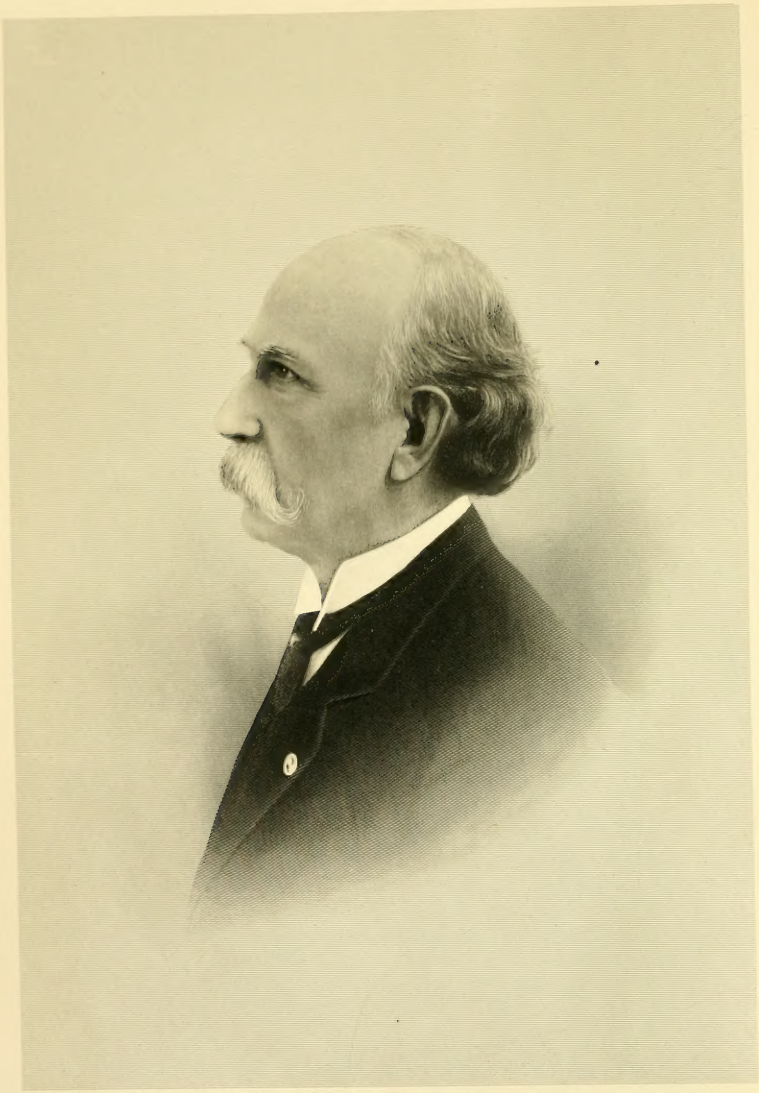
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A HISTORY

OF

KENTUCKY AND KENTUCKIANS

The Leaders and Representative Men in Commerce, Industry and Modern Activities

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BY

E. POLK JOHNSON

VOLUME I

ILLUSTRATED

PUBLISHERS:
THE LEWIS PUBLISHING COMPANY
CHICAGO—NEW YORK
1912

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Introduction

Virginia is not alone the Mother of Presidents, but of states as well, Kentucky being her first and best-loved child. From territory ceded by Virginia to the Federal government, the splendid states of Ohio, Indiana, Illinois, Wisconsin and a portion of Minnesota, were formed. This imperial domain, willingly and graciously bestowed, would seem sufficient to have granted the Old Dominion immunity from despoilment, but this was not to be. In the midst of the horrors of internecine strife during the War between the States, her fair territory was despoiled by force of arms and the state of West Virginia was formed from the mountainous western section, much of which lies adjacent to Kentucky. Virginia, which had given to the Union Washington, Jefferson, Madison, Monroe, Patrick Henry, "Light Horse" Harry Lee and a host of other illustrious sons, did not escape the devastating effect of war. Even her first-born child, divided in sentiment, with the hand of father against the hand of the son, of brother opposing brother on war's red field, could not or would not raise a voice against the despoilment of the Mother State. The great wrong has at last come to be acquiesced in, and there is nothing left to the historian but to set forth the fact and pass on to other and more pleasing themes.

Kentucky, from its first entrance into history, has been a land of romance, of story and of song. The story of its first explorers and that of the gallant "Hunters of the West," of whom one of her sons has sung, is an epic poem. Along the pages of this poem move those grim hunters of men: Daniel Boone, Simon Kenton, Logan, Floyd, George Rogers Clark and scores of others of their manly kind in stately tread, making clear the way for those who were to come after and give the then wilderness of the west its proud place in the sisterhood of states—a place so unique and distinctive as to set Kentucky apart from all other states, and to make her sons claim the whole broad commonwealth and no small section thereof as their own.

A Kentuckian traveling in France was asked by a Virginian whence he came and replied "I am a Kentuckian;" when the other responded "You Kentuckians are the most loyal sons of their state whom I have met. Ask an Ohio man whence he comes and he is from Cincinnati; an Illinois man is from Chicago; but a Kentuckian is from Kentucky, and I honor him for it. The whole commonwealth is his." This is as it should be. Patriotism knows no narrow boundary lines.

When civil war came to divide and distract the state's peaceful and happy communities, Kentucky's sons took up arms as the sense of duty impelled them, but, each from his own point of view, was fighting the battle of Kentucky and the Union, or Kentucky and the Confederate states; and it is to the eternal honor of the state that with few exceptions,

each did his duty bravely and brought no shame to the name of his state nor his pioneer fathers.

Upon whatever fields Kentucky's sons have fought they have added imperishable honor to the state. Whether in pioneer days they met the savage in the wilderness, or later the disciplined forces of England at New Orleans; the half-savage hordes of Santa Ana on the arid plains of Mexico, or in the fraternal strife of 1861-5, always "there stood Old Kentucky" in the person of her stalwart sons doing their duty every one, avoiding no service however arduous, shirking no duty however dangerous, and writing large upon the history of their country the magic name Kentucky. A learned judge charging the grand inquest of his court, enthused by his love for his state and his appreciation of the manly valor and love of justice always exhibited by her sons, declared: "Kentuckians are an imperial race. They love justice because it is justice, and detest vice and wrong-doing because they are abhorrent to their sense of right and justice."

Of the great masses of Kentucky's people these words are true, despite the efforts of sensation mongers at home and elsewhere to magnify local happenings in certain localities into state-wide import. In the subsequent pages of this work these disturbances and their impelling causes will receive notice and explanation, and no pride of state nor locality will be permitted to gloss over wrong-doing, nor shall excuse be sought for those who, forgetting their heritage as sons of a proud state, have ruthlessly violated its laws. In a word, every effort is to be made to set down truthfully the history of the state with favors to none; animosity to none; with freedom from political bias or predilection, and a sincere desire to tell the truth, the whole truth and nothing but the truth—let it hurt or help whom it may.

PREFACE

Those who read this volume will find it unlike the usual history. It is the earnest work of a man who has spent a third of his life in a newspaper office. This will account for the style in which it is written and, in some degree, for its matter. Of the early history of Kentucky not much will be found that is new. Earlier writers have so thoroughly gleaned that field that little is left for the historian of today. Coming nearer to our own time, the writer claims that his work contains much that is new. There will be those who will criticise what is written. It would be a stupid history which pleased everyone, and the writer will welcome honest criticism. He has, in all instances, endeavored to ascertain exact facts and to set them down fairly. He has opinions, and it may be, some prejudices. As he was not writing a mere gazetteer, he has stated his opinions where it seemed proper and has kept his prejudices in check to what he trusts is a reasonable extent.

His thanks for assistance generously rendered, are due to Mrs. Madeline McDowell Breckinridge, Rev. E. Y. Mullins, Rev. Thomas J. Jenkins, Rev. L. H. Blanton, Rev. Harvey Glass, Gen. B. W. Duke, E. G. Logan, Col. R. T. Durrett, A. C. Quisenberry, Col. J. Stoddard Johnston, Prof. H. H. Cherry, C. J. Norwood, Dr. Henry Enos Tuley, Young E. Allison, Blackburn Esterline and J. K. Patterson.

It is proper to say that the author assumes responsibility for the first volume only, of this work. The biographical sketches in volumes two and three are the work of others than himself.

THE AUTHOR.

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History of Kentucky and Kentuckians

CHAPTER I.

La Salle Discovers Kentucky Shores—"Rapids" of the Ohio—Capt. Batts "Tracing a Pathway"—Through Cumberland Gap—Penetrating the Interior—First Kentucky Dwelling—Gist and the Ohio Company—Dinwiddie Halts the French—Washington on the Scene—Indians' "Happy Hunting Ground"—Origin of the Name, Kentucky.

The dominant desire of the Anglo-Saxon has been from immemorial time the acquisition of land and following the "Star of Empire," his course has been ever to the westward. Not the Anglo-Saxon alone has felt this impulse, but the men of all civilized lands, though the former has been most persistent and therefore, most fortunate.

When Kentucky was an unknown land, men of the old world were discussing and some of them were seeking a waterway from the Atlantic to the Pacific which they imagined lay across what we now know to be the wide prairies and lofty mountains of our western domain. The search for a western passage to the Pacific and all that lay beyond, led the Chevalier Robert de La Salle, an adventurous Frenchman, to lead an expedition westward and so far as records exist, he was the first white man to pass down the Ohio river which he entered from the Allegheny. He is believed to have been the first man of the white race to see the Falls of the Ohio at Louisville. Col. Reuben T. Durrett, whose very name spells Kentucky history, and to whom the state owes more than to all other of her sons, the collecting and preserving of the records of her beginning and her progress, says of La Salle in the "Centenary of Kentucky:" "In making the long journey he was the discoverer of Kentucky from the Big Sandy to the Rapids of the Ohio, and was the first white man whose eyes looked eastward from the beautiful river to the Blue Grass land, which forms the Garden Spot of the state."

It will be noted that Col. Durrett writes of the "Rapids of the Ohio," rather than of the more commonly accepted term "The Falls of the Ohio," thus even in minor matters evincing the devotion to exact description that has characterized his historical researches and statements. The term "falls" denotes a condition that is not fairly descriptive of the interruption to the steady flow of the Ohio at Louisville, while the word "rapids" is not only exact but strictly correct. The "Falls of the Ohio" have, however, been so long accepted, and Louisville so widely known as the "Falls City,' that it were vain to seek a change in phraseology. Even the more modern and

strictly correct term of "Gateway to the South' bestowed by former President Roosevelt, has not served to displace the ancient designation hallowed by long usage. Whether one accept the old or the new designation, none can deny that as falls or rapids the settlement thereabout played a leading part in the drama which culminated in the winning of the west and giving to the Union an imperial domain which at times, it seemed had been destined to become either French or English territory.

There is a tradition that Capt. Thomas Batts was once sent from Virginia by General Abram Wood to search for the supposed river which flowed to the Pacific, but it is not known that he reached Kentucky. McElroy in the latest historical sketch of Kentucky, gives Batts credit for "at least tracing the pathway from the old settlements of Virginia to the trackless wilderness beyond the mountains." This would seem to have brought him very near to Kentucky, if not within its boundary; but no practical results from his exploration beyond "tracing a pathway" are apparent in the history of that early day.

The first organized effort to locate lands in Kentucky was probably made by a company led by Dr. Thomas Walker, who in March, 1750, left their homes in Virginia and, reaching a pass in the Appalachian range of mountains, came into Kentucky, giving to the pass the name of Cumberland Gap, by which it has since been known and under which name it finds its place in the history of the War between the States—having been variously occupied by Federal and Confederate troops as one of the chief gateways between the warring sections.

Hitherto, adventurers into the unknown land of Kentucky had confined themselves to the vicinity of the Ohio river and Captain Walker and his associates were, so far as history and tradition extend, the first white men to penetrate the interior of the new land. Those with Walker were, according to one authority, Ambrose Powell, William Tomlinson, Colby Chew, Henry Lawless and John Hughes; but Col. Durrett in the "Centenary of Kentucky" omits the names of Lawless and Hughes, adding that only the names of Powell, Chew and Tomlinson have been preserved.

With a strong predilection in favor of the correctness of all of Col. Durrett's statements, it is not vitally material in this instance that all the names of Walker's followers should be stated. It is indisputable that Walker was the leader, and that is the important fact. This party cleared a body of land near where the town of Barboursville in Knox county is now located, and built there a log cabin, the first dwelling for white men ever erected in what is now Kentucky. The date of construction of this historic cabin was April 25, 1750. Five days afterward, the cabin appears to have been deserted, owing to fear of the Indians whose hunting parties swarmed in the wilderness about them. The party is believed to have immediately returned to Virginia, without practical results following their visit other than having marked an epoch by having erected the first habitation for civilized man in what was later to become the populous state of Kentucky.

Christopher Gist, another adventurous character, as agent for the "Ohio Company," next led an expedition, the objective point of which was the territory which is now Ohio, setting out from the Potomac October 3, 1750. After scouting through the lands north of the Ohio river, he came finally to that stream which he descended to within fifteen miles of the present site of Louisville. Discovering there signs of large bodies of Indians, Gist turned back to the mouth of the Kentucky river. Under many difficulties Gist and his party continued their retreat and on May 1, 1751, first came in sight of the beautiful Kanawha river plunging over rapids and through moun-

tain gorges on its tempestuous way to the sea. Gist finally reached his home in safety after traversing the most beautiful section of the future Kentucky, which he found without inhabitants and temporarily peopled only by bands of Indians intent upon the chase and these, in the main, confined their operations to points near the Ohio river north of which stream they lived.

Irving in his life of Washington says of Gist: "From the top of a mountain in eastern Kentucky near the Kentucky river, he had a view of the southward as far as the eye could reach over a vast wooded country in the fresh garniture of Spring and watered by abundant streams, but as yet only the hunting ground of savage tribes and the scene of their sanguinary conflicts. In a word, Kentucky lay spread out before him in all its wild magnificence. For six weeks was this hardy pioneer making his toilsome way up the valley of the Cuttawa or Kentucky river, to the banks of the Blue Stone; often checked by precipices and obliged to seek fords at the head of tributary streams, and happy when he could find a buffalo-path broken through the tangled forests or worn into the everlasting rocks."

When Gist reported to the Ohio Company what he had seen it must have impressed them with the belief that fortune was in their grasp, and lay to the westward, as fortune has ever laid to the Anglo-Saxon. Robert Dinwiddie, one of the twenty stockholders of the Ohio Company and lieutenant governor of Virginia in 1752, impressed by the reports of Gist, developed a strong interest in the movements of the French in the Ohio valley to all parts which they had asserted a claim, setting up tablets at the mouth of each river reached by them in support of these claims.

A protest against such procedure by a foreign power was an immediate necessity, and there seems to have been a special Providence in the selection by Dinwiddie of a messenger to the French commander bearing a message of warning against further encroachments. He chose as this messenger a youthful Virginian, one George Washington, a half-brother of Augustine Washington, president of the Ohio Company, and Lawrence Washington, one of its stockholders. That young Virginian, piloted by Christopher Gist in this expedition, took that first step which was to lead him ever forward and upward to the highest position in the affairs of men. It was the step which led to the French and Indian war, the greatest contest known to this western continent until the day when the War of the Revolution claimed Washington as its leader and under his splendid guidance, proclaimed "liberty throughout all the land and to all the inhabitants thereof." Some authorities claim that Washington came with Gist to Kentucky; but there seems no foundation for this claim, as it does not authoritatively appear that Washington came further west than the mouth of the Kanawha river in what is now West Virginia.

Kentucky does not seem to have been the permanent home of the Indians, though often occupied by them on their hunting trips or warlike forays. It was their "happy hunting ground" and, on occasion, their battle ground, before the coming of the white man when they came in contact with their enemies of other tribes. North of the Ohio river were the powerful Iroquois, who claimed the territory as their own. To the South were the Cherokees, who fewer in number, were equally warlike, and who likewise claimed Kentucky as their own, with the result that when the hunting parties of these tribes met they became war parties and there was some beautiful fighting all along the savage lines. Having thus to struggle for their prolific hunting grounds, it is not strange that the Indians should have bitterly resented the coming of the white man to possess the land and that his coming meant the writing of blood-red chapters in the history of the first occupancy of

the state. The Indian knew the bountiful land to be worth fighting for, and used all his savage strategy to retain its possession. The white man found the land not alone worth fighting for, but, if need be, dying for, and set out to possess it and with his rifle filed a deed of possession with the result known to all the world—the Indian was overcome and driven towards the western sun, while the white man remained to make a garden spot where he had found a wilderness, albeit a beauteous and bountiful wilderness.

There are several accounts given as to the origin of the name of Kentucky. John Filson says the Delaware and Shawnee Indians called the vast undefined tract of land south of the Ohio river "Kuttawa," meaning the "Great Wilderness." This name was long used interchangeably with "Kantake;" meaning "the place of meadows," or the "Hunting Grounds." Filson also referred to it as "The Middle Ground." McElroy, in "Kentucky in the Nation's History," says that another origin of the name is given by John Johnson who for years resided among the Shawnees. He declares that Kentucky is a Shawnee word meaning "at the head of the river." Marshall, however, declares that the name was derived from "a deep channeled and clifty river called by the Indians Ken-tuck-kee," which they pronounced with a strong emphasis. He adds that in consequence of frequent combats between the savages upon Kentucky soil—the country being thickly wooded and deeply shaded—was also called in their expressive language "The Dark and Bloody Ground." There is doubtless something that in other matters would be called poetic license in this statement of Marshall—more of license than historic accuracy, perhaps, but the expression has taken so firm a hold upon the public mind that it cannot be broken. Whatever the actual facts relative to the derivation of the name may be, the state has passed into history and song as "The Dark and Bloody Ground," and there it will remain, protest as one may. To all good citizens of the state it is a matter for the deepest regret, that in recent years in a few sections of the State there have been such occurrences brought about by lawless and misguided men, as have seemed to justify the term as not only truly descriptive but just. It is a gratifying reflection that the confines of a prison and the narrower confines of certain graves render it improbable that further acts of the kind referred to will again darken the history of the state. The fires of a more complete civilization light the darkness of the land of the feud and where the minister of God and the schoolmaster carry their banners, murder will find none to excuse it.

CHAPTER II.

War vs. Exploration—Debt to Sir William Johnson—Boone, Savior of Kentucky —"Numerously" Born—Boone's Early Life—Boone and Party Enters Kentucky.

It is not the purpose of this history to follow the failures or the successes of the French and Indian war. While it had its effect upon Kentucky, there were other events of the same era that bore more particularly upon the destiny of the territory which was later to be known as Kentucky. In 1763 the Peace of Paris ended the tremendous contests between England and France for the possession of Canada and the Ohio valley, with the result that the cross of St. George waved over the hitherto disputed territory undisturbed and with none to dispute the sovereignty of England.

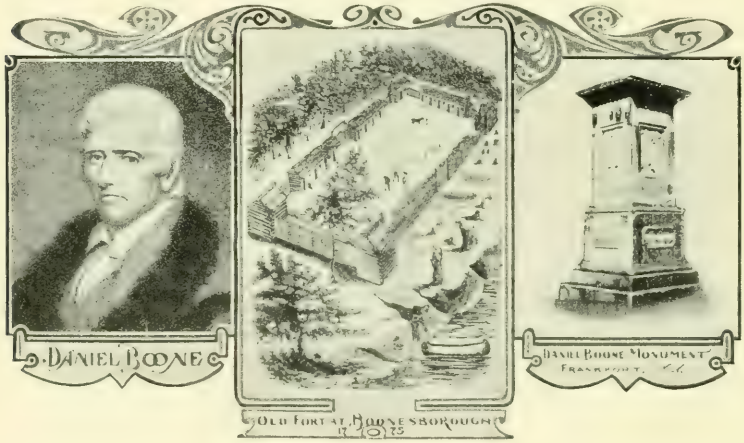
During the pendency of the war but little had been done in the matter of exploration in Kentucky and there are no absolutely accurate data covering that period. In the midst of wars the laws are silent and it seems to be true of this period that exploration ceased, though there are apochryphal claims made of certain expeditions of which no conclusive records have been found. It is probably true that adventurous parties came and went in those perilous days, as no sense of danger has ever been strong enough to destroy in the Anglo-Saxon his desire to spy out the land and appropriate to himself that part of it which, to him, seemed good. But that this was done is mere harmless conjecture. There is no record of the doings of the fearless adventurer in those days.

At the close of the war in 1763, King George the Third, whom the American colonies were to more intimately know and detest a short twelve years later, issued a proclamation which had it not been ignored in large part, would have left Kentucky for years as the mere hunting ground of the savage, and closed its teeming fields and forests to the enterprise of the sturdy pioneers, who daring all dangers, had taken their lives in their hands and pressed forward into the wilderness to make homes for themselves and theirs, and to make straight the ways for those who were to come later into the new land which so generously invited them.

King George, in this proclamation, declared that the British possessions west of the Allegheny mountains and south of Canada should be set apart as an Indian reservation, into which white settlers should not enter. The line of demarcation between the white and Indian territories was ordered marked, the commissioners for this work being Sir William Johnson, agent for the northern district, and John Stuart, for the southern colonies. This Sir William Johnson was later to become an important factor in the affairs of the Mohawk Valley and to play a great and dangerous part with the Indians in the War of the Revolution, then but a few short years removed in point of time. But Kentucky owes a debt to Sir William Johnson, despite his future actions in favor of the British crown. McElroy says of his action in running this line: "Johnson, deliberately neglecting his instructions, ran his part of the line down the

Ohio river to the mouth of the Tennessee, thus leaving east of the line of demarcation, almost all of what is now Kentucky and exempting it from the restrictions which the proclamation imposed upon the reserved district. Thus Kentucky was thrown open to white explorers and settlers, while the other regions west of the Alleghenies were closed by royal decree, from its original savage holders who fought so strongly to retain its possession.

What ever others may have done earlier and during the strenuous after days when Boone was struggling for possession of the fair land, he was the real hero, "the voice of one crying in the wilderness," who gave Kentucky to the white man and whose place in



and to this fact it is due, in no small degree, that she became the pioneer colony of the West; for in the valley of the Yadkin, in North Carolina, the prince of pioneers was waiting to head the host who were waiting to invade the 'Dark and Bloody Ground' and to make it an inhabited land."

Daniel Boone now appears on the great canvass upon which is depicted the early struggles which made Kentucky a bright jewel in the crown of the states which form the American Union. There had been, as has been shown, adventurous spirits who came into Kentucky before Boone, some of whom were later to join him in the conquest of the land song and story of the new land none may take. Kentucky and Daniel Boone are synonymous terms in history, though he left the new land early in its history for Virginia and later, finding his holdings too much encroached upon there, with the spirit of the true pioneer, he journeyed to the westward in search of elbow room, and finally laid down the burden of his years in Missouri. Later Kentucky, mindful of its debt to the brave old pioneer, brought back his remains and those of his patient old wife and side by side they sleep in the State Cemetery at Frankfort, an appropriate and modest monument marking their last resting place.

Daniel Boone appears to have been born very numerously and over a large stretch of territory. As a matter of fact, his exact birthplace and the date of his birth cannot be definitely stated. Those who wrote nearest to the era in which he flourished and who would therefore be supposed to be most correct in their statements, differ widely as to time and place. Bogart says he was born Feb. 11, 1735; Collins, Feb. 11, 1731; Marshall, about 1746; McClung says he was born in Virginia; Marshall says in Maryland, while Nile goes far away from all these and declares that Daniel Boone was born in Bridgeworth, Somersetshire, England—a statement which, if made in his presence, would doubtless have brought a frown to the face of the grim old pioneer. Peck says Boone was born in Bucks county, Pennsylvania, and this is commonly accepted as correct, though upon what facts the hypothesis is founded is not stated. Bogart says: "Near Bristol, on the right bank of the Delaware about twenty miles from Philadelphia." While it would be interesting to know the exact date and place of his birth, it is yet sufficient to know of the brave deeds of his after life and the splendid part which he played in freeing Kentucky of the savage and opening to civilization and freedom one of the fairest spots upon the western hemisphere.

It is definitely known that Boone's father, wherever may have been his former home, removed to North Carolina settling in a valley south of the Yadkin river, where it is presumed that the young Boone grew to manhood. It is also fair to assume from his subsequent career that Daniel was not to be depended upon as a farmer, and was no great help to his father or family in the care of the crops upon which, and the results of the chase, their subsistence depended. A party of hunters from Boone's vicinity who had penetrated the then unknown wilds of Kentucky, returned with such thrilling stories of their experiences that the fires of the pioneer were lighted in Boone's breast, which were destined never to burn out until he laid down the burden of life in the wilds of Missouri.

Filson in his own language, far different from that of the pioneer, says that Boone gave to him in his old age this account of his first coming to Kentucky:

"It was the first of May, 1769, that I resigned my domestic happiness for a time and left my family and peaceable habitation on the Yadkin River, in North Carolina, to wander through the wilderness of North America in quest of the country of Kentucky."

Colonel Durrett, that inimitable student of history, remarks on this with a sort of grim humor "that for a pretended farmer to start to the wilderness on a hunting expedition just at corn-planting season, is a suspicious circumstance, and leads one to suppose that Daniel was not overfond of the hoe." This is probably true. Daniel Boone's place in history is that of a pioneer, a hunter and a fighter in all of which stations he played his manly part. It was well for Kentucky and its early settlers that Daniel Boone was not fond of the farm.

Boone's party on this, his first expedition into Kentucky, consisted with himself, of John Findlay, who had been one of the hunting party whose wondrous stories had fired Boone's imagination; John Stewart, Joseph Holden, James Mooney and William Cool. They had a desire far beyond that of the delights of the chase, for they were unconsciously following the manifest destiny of the race from which they sprang and were searching out a fair land which they might possess and claim as their own.

Peck, in his biography of Boone, thus from a fervent imagination describes him at the head of his little band of adventurers: "The leader of the party was of full size with a hardy, robust, sinewy frame, and keen, piercing hazel eyes that glanced with quickness at every object as they passed on; now cast forward in

the direction they were traveling for signs of an old trail, and, in the next moment, directed askance into the dense thicket or into the deep ravine as if watching some concealed enemy. The reader will recognize the pioneer Boone at the head of his companions. Towards the time of the setting of the sun, the party had reached the summit of the mountain range up



Daniel Boone's Cabin on Kentucky River

which they had toiled for some three or four hours and which had bounded their progress to the west during the day. Here new and indescribable scenery opened to their view. Before them, for an immense distance, as if spread out on a map, lay the rich and beautiful vales watered by the Kentucky river; far in the vista was seen a beautiful expanse of level country over which the buffalo, deer and other forest animals roamed unmolested."

All of this is very beautiful and not altogether a figment of fancy, because it is fairly descriptive of the physical Kentucky of that and the present day, but Daniel Boone less poetically described the event to John Filson in these terms: "We proceeded successfully, after a long and fatiguing journey, through a mountainous wilderness, in a westward direction; on the seventh day of June following, we found ourselves on the Red river and from the top of an eminence saw with pleasure the beautiful level of Kentucky."

It will be observed with a degree of pleasure by present-day Kentuckians, that even the stern old pioneer found beauty in Kentucky on his first view of the new land he had come out to redeem from the savages who claimed it as their own.

CHAPTER III.

Boone and Stewart Go Forth—Captured by Indians—Return to Deserted Camp—Joined by Boone's Brother—A Great Agent of Destiny—Alone in the Wilderness—Rejoined by Faithful Brother—"Happiest of Mortals Anywhere."

Throughout the summer and into the fall, the little party loitered in the fairy land, now hunting, now "loafing and inviting their souls," leaving to those whom they had left behind in North Carolina the less congenial and burdensome task of planting, hoeing and reaping the crops. They were care-free, game was abundant, their wants were few and easily supplied; they were free to go and come as they chose and so far, there had been none to disturb or make them afraid.

At last came the day of separation and, for wider exploration and convenience in hunting, Boone and John Stewart left the main party and proceeded to the Louisa river. Here John Filson takes up the story in the biography of Boone and himself grows poetical though one would think that recitals of the grim events of Kentucky's early days had but little of poetry about them. Filson makes Boone say: "We practiced hunting with great success until the twenty-second day of December. This day John Stewart and I had a pleasing ramble, but fortune changed the scene in the close of it. We had passed through a great forest on which stood myriads of trees, some gay with blossoms, others rich with fruit. Nature was here a series of wonders and a fund of delight. Here she displayed her ingenuity and industry in a variety of flowers and fruits, beautifully colored, elegantly shaped and charmingly flavored; and we were diverted with innumerable animals presenting themselves perpetually to our view."

Fancy Daniel Boone of the Yadkin river, in North Carolina—sometime hunter, trapper, surveyor and Indian fighter—rhapsodizing after that fashion. It is evident that Filson was something of a poet himself and that he adorned the plain language of Boone out of the exuberance of his own fancy.

But there was to be a quick transition from the beauties of nature as exemplified in Kentucky, to the sterner realities which filled the lives of the pioneers of the state. Filson, quitting his study of the flora and fruits of the forests of Kentucky by a sharp transition, brings one to a realization of the sterner features of life in those same forests. In the following statement he has Boone saying: "In a decline of a day near the Kentucky river, as we ascended the brow of a small hill, a number of Indians rushed out of a thick canebrake upon us and made us prisoners. The time of our sorrow had now arrived and the scene was fully opened. The Indians plundered us of what we had and kept us in confinement seven days, treating us with common savage usage. At last, in the dead of night as we lay in a thick canebrake by a large fire, when sleep had locked up their senses, my situation not disposing me for rest," says Boone, "I touched my companion and gently awoke him. We improved this favorable opportunity and departed, leaving them to take their rest."

Boone and Stewart then set out to the camp where they had left their comrades, which they reached after several days travel, only to find it plundered and deserted; their companions gone they knew not whither. It is presumed, of course, that the plundering had been done by Indians, and their comrades murdered by them though this is conjecture only. Certain it is that their names no more appear in history. Boone and Stewart, not dismayed by the misfortunes of their comrades, did not turn their faces towards North Carolina, but constructed another camp and, though short of ammunition, continued hunting and exploring as before. It must be assumed that on their escape from the Indians, they had brought away their guns and ammunition. One historian reports them as amusing themselves in hunting and exploring, which statement, if correct, indicates that certain natures can find amusement under the most adverse circumstances. But even this method of amusement drew near its end as their slender stock of ammunition was nearly exhausted, when there happened an incident tending to show that Providence was on the side of the gallant hunters and explorers.

The family of Daniel Boone grew alarmed because of his long absence, during which, of course, they had heard nothing from him, and his faithful brother, Squire Boone, with a single companion whose name is to history unknown, set forth to find him. This illustrates the spirit of the pioneer; his carelessness of danger; his purpose to go on and do that which his duty called him to do, fearing nothing, daring all things and through these high qualities winning in the end, as Squire Boone and his unknown companion did in this instance. McElroy says of them: "With no chart to guide them, with no knowledge of the location of the wanderers, amid thousands of miles of unbroken forest, it seems little short of a miracle that early in January, 1770, they came upon the camp in which Boone and Stewart had spent the previous night. Even after this discovery, it might have been a sufficiently difficult task for any but an Indian or pioneer to find the wanderers. But to a woodsman so new a trail could not be missed, and shortly afterward Boone and Stewart were startled to see two human forms approaching through the forest. Instantly alert and on guard against surprises, they watched the figures until, as they came within the range of clear vision, Boone recognized the beloved form of his faithful brother."

John Filson, the biographer of Boone, makes the old hero describe this momentous event in the following terms: "About this time my brother, Squire Boone, with another adventurer, who came to explore the country shortly after us, was wandering through the forest, determined to find me, if possible and accidentally found our camp." Again there is a failure to name Squire Boone's fellow adventurer who appears to have wandered away from his comrades and never returned either to them or to his home in North Carolina. And so he passed into the early history of Kentucky and out of it again, nameless and unknown so far as most historical research has shown. But John Filson reports Daniel Boone as saying to him: "The man who came with my brother returned home by himself. We were then in a dangerous, helpless situation, exposed daily to perils and death amongst the savages and wild beasts, not a white man in the country but ourselves." Boone, it will be observed, does not give the name of this man. It is charitable to suppose that he did not desert his comrades, but fell at the hands of the savages; and there let him rest.

Boone had no thought of turning back. Filson does him the high honor of saying that Boone considered himself "an instrument ordained to settle the wilderness." Bogart in his "Boone" says: "On the safety of these men rested the hope of a nation. Their defeat,

their captivity, their death would have chilled the vigor of enterprise. Without Boone the settlements could not have been held, and the conquest of Kentucky would have been reserved for the immigrants of the nineteenth century."

He might have added that without Boone and the results of his coming to Kentucky, the splendid results following in after years the activity of George Rogers Clark, would have been an impossibility; and the immense territory which he added to our domain would later have been gained only with great loss of life, and it may be would have been indefinitely left in the hands of those from whose hands the heroic Clark so easily took it. Kentucky, though giving Boone a grave in her capital, has never paid to him the debt of honor and gratitude which was his due. It is not to the credit of the state that he sought a resting place first on Virginia, where he was honored, and lastly in Missouri, where the brave old pioneer finally laid down life's burden and found in the grave the only peace his restless spirit had ever known.

In May, 1770, their stock of ammunition being again nearly exhausted, Squire Boone, it was determined, should return home "for a new recruit of horses and ammunition." Daniel Boone being thus left alone in the wilderness was the only white man, so far as he knew, in all Kentucky. Stewart, his gallant and long-time comrade, had been killed by the Indians soon after they were joined by Squire Boone, thus being the first martyr to western exploration so far as is accurately known.

To make the trip to North Carolina and return, required some three months, during which Boone must have grown very lonely. Filson makes him say, and no doubt truthfully: "I confess I was never before under greater necessity of exercising philosophy and fortitude. A few days I passed uncomfortably." Note that expression of "a few days." Boone was not the man to give way to his feelings, else he would never have been the successful pioneer that he was. Some one has said of him that he was once asked if he was never lost in the wilderness, to which he replied that he was never lost but "was once bewildered for three days"; which is a fair companion piece to the statement of the Indian who declared "Indian not lost; wigwam lost."

Boone spent the months of waiting in explorations to the southwest which appear to have brought him to Salt river and Green river. Signs of Indians were abundant, but he had now become so expert a woodman that he managed to avoid meeting any of them. He slept without a fire and made his camps in the dense canebrakes and thus avoided his savage foes. July 27, 1770, he returned to his old camp where to his great happiness his brother met him. Indian signs warned them of their danger and turning to the southward they explored the region along the Cumberland, finding abundant game, but a poorer soil than that which they had left. In March, 1771, they went northward toward the Kentucky river, finally selecting a point for the permanent settlement which they had planned and then loading their furs and few other belongings upon their two horses they turned their faces once more towards North Carolina and civilization; of which Boone had known nothing for two years, "during most of which time," says McElroy, "he had neither tasted bread nor seen the face of man with the exception of his brother, his unfortunate fellow hunters now gone, and a few straggling Indians, more animal than human; but at its close, he was a real Kentuckian, the first Kentuckian, ready at all times to speak in unmeasured praise of the land which," he says, "I esteemed a second Paradise."

It may be of interest to some to note here that the fame of Daniel Boone, in after years, did not rest alone with those by whom he was immediately surrounded, but had gone across the seas to England, whose poet, Lord Byron,

thus embalmed him in one of the cantos of "Don Juan":

"Of all men saving Sylla, the manslayer,
Who passes for, in life and death, most lucky,
Of the great names which in our faces stare,
The General Boone, backwoodsman of Kentucky,
Was happiest of mortals anywhere."

While Boone would doubtless have objected to the title of "General" given him by Byron, there is no doubt that the poet caught the dominant note of his character in describing him as "happiest of mortals anywhere," when alone in the midst of the wilderness. This may not be altogether complimentary to Mrs. Boone and the younger Boones, but history was invented to record facts and not compliments.

CHAPTER IV.

Problematic Journey Down the Mississippi—Knox's "Long Hunters"—Boone Again Starts Kentucky-ward—Surveyors Sent Out—Sites of Louisville and Frankfort—Indians Rise Against Settlers—Boone as a Warning Messenger—Great Battle between Red and White Men—Peace Treaty with Lord Dunmore.

Boone had supposed himself while awaiting the return of his brother, the only white man in Kentucky, in which he was mistaken; as at the same time, a party of forty Virginia hunters from the mountainous regions about New river, the Holston and Clinch, had come into the country fully equipped for hunting and trapping, and, as a matter of course, for such Indian fighting as they might fall upon. These hunters passed through the Cumberland Gap, which years afterwards was to figure large in a greater warfare than Kentucky ever knew in her pioneer days. These men camped on the Cumberland river in what was later to become Wayne county and established a depot for trade with the Indians—a somewhat singular statement when one considers the relations that had existed between the savages and the few other white men who had ventured to intrude upon their chosen hunting ground. From this depot, small parties of hunters went out hunting and exploring with the understanding that they were to come into headquarters once in five weeks, report their experiences and deposit the spoils of their skill. This did not wholly suit the woodsmen and one after another these bands set up in business for themselves and declined to report, or else deserted.

Ten of these men are reported to have constructed transports, loaded them with skins and the flesh of the wild animals they had slain and, floating down the Cumberland into the Ohio and later into the Mississippi, finally reached Natchez. There they are reputed to have made sale of their cargo at the Spanish fort at that point, afterwards returning overland to their far-away homes in Virginia. It is difficult to believe that these men in the midst of an absolute wilderness, with but few tools at hand, should have been able to construct transports sufficiently seaworthy to convey themselves and their cargoes to the port of Natchez on the Mississippi, many hundreds of miles from the starting point. How much of the statement is real history, and how much mere tradition, will never be known. It is a part of the history or tradition, as you will have it, that many of these adventurous men on their return from Natchez were lost in the wilderness, where they doubtless fell a prey to the savages, as they were never again heard of.

Col. James Knox, leader of the party from Virginia, who does not appear to have participated in the apochryphal Natchez expedition, with nine companions, pushed into the wilderness to a point near where Greensburg in Green county is now located, establishing there a second trading station, and exploring the region which was later to form the counties of Barren, Hart, Edmonson and others. Knox remained two years in what was then known as the Kentucky district, but which for convenience sake will always be referred to

herein as Kentucky. At the end of that time they returned to Virginia with many wonderful stories of their experiences. By common consent these men were afterwards known as the "long hunters." In the earlier days in Kentucky than the present, a man who related marvelous stories was referred to as "shooting with a long gun," a politer method of expressing disbelief than the use of a shorter word. One may speculate upon the relation between this practice and the name "long hunters" bestowed upon these Virginia hunters.



Cumberland Gap—Looking North

In 1773, Daniel Boone, having sold his property in North Carolina, set out for Kentucky accompanied by his own and several other families, having in view a permanent settlement in the new land, being joined, en route, by some forty other adventurous souls. Impeded by the size of the party and the slowness of their pack animals and other cattle, the party, after much delay, reached Cumberland Gap when, just as they were about to cross the mountains, an attack was made by the Indians and six of the party were killed. The remainder of the party finally succeeded in driving off the savages, but made no further attempt to cross the mountain pass into Kentucky but, to the contrary, retraced their steps to their former home, the effort to found homes in the new land thus proving a complete failure.

No further efforts were made during 1773 to plant colonies in Kentucky, but in the latter part of that year Governor Dunmore of Virginia sent out a party of surveyors consisting of Capt. Thomas Bullitt, three brothers, James, George and Robert McAfee, James Harrod and James Douglas and perhaps others, the names above quoted being regarded as the chief or ruling spirits of the party. The object sought in sending out this party was ostensibly to induce settlements in Kentucky, as a guard against Indian depredations upon Virginia settlements, though recalling the Anglo-Saxon hunger for land, one is not without suspicion that the shrewd British governor had also in mind the increase of his private real estate holdings.

These surveyors held a council with the Indians at Chillicothe, Ohio, and soon afterward

separated. Capt. Bullitt and those with him proceeded down the Ohio river to the present site of Louisville, which he surveyed. After spending several weeks at the spot on which the future metropolis was to be built, he surveyed much of the land now forming Bullitt county, which was later erected and named in his honor.

The McAfee party ascended the Kentucky river as far the site of Frankfort, where they surveyed the land upon which is built the picturesque little capital city of Kentucky.

James Douglas and his party made surveys in the vicinity of Big Bone Lick, preparatory to a settlement there. Coming a second time from Virginia in the spring of 1774, Douglas extended his surveys along the Kentucky river, but the home he had planned was never to be his, as he died while on this second expedition. It is not to be understood that any of these surveying parties attempted permanent settlements. They were the forerunners of the actual settlers who were to come soon after them. Adventurers poured into the land in the spring of 1774, hungry for land but not intent upon present settlement. Collins relates that many of these men built "improver's cabins," which "meant merely nominal buildings consisting of small squares of logs, built breast high and not even roofed, which were used as a means of technically fulfilling the letter of the laws, requiring settlement as a basis of land claims."

The coming of these adventurous spirits alarmed the Indians who speedily took steps to protect themselves in the full possession of their hunting grounds by driving out the new comers.

Governor Dunmore, for the time being overcoming his desire to acquire lands in Kentucky, and willing to await a more auspicious opportunity, was desirous of warning the adventurers to return to Virginia and for a messenger selected Daniel Boone. The fame of Boone as a pioneer must have spread throughout the territory then occupied by white men in the South. When we last heard of him he had returned to North Carolina from an unsuccessful effort to plant a colony in Kentucky. Now we find him bearing a message from Governor Dunmore, whose station was at Williamsburg, Virginia, to the adventurers in Kentucky. It may be that Boone's restless spirit had prevented his remaining on the Yadkin river, in North Carolina, where we have already seen that he had disposed of his holdings, and that he had journeyed to Virginia in search of further adventures. We next find him, in the execution of Lord Dunmore's wishes, starting on June 6, 1774, accompanied by Michael Stoner for the Falls of the Ohio with his note of warning which he appears to have successfully delivered, as he returned on August 8th, after having traveled eight hundred miles, at the head of a band of Dunmore's surveyors who had obeyed his warning. Some of the surveying parties declined to heed the note of warning and, remaining in Kentucky, soon had cause to regret their action.

The Indian tribes were now fully aroused against the encroachments of the white man and determined to drive him from their hunting ground. The Shawnees led by their chief Cornstalk, followed by the Miamees, the Delawares, the Wyandottes and the other northern tribes, all equally desperate and determined, went upon the war-path leaving a trail of blood everywhere they touched toward the frontier settlements of Virginia, whatever white men who fell into their savage hands dying horrible deaths by torture. Winsor, in his "Narrative and Critical History of America," is authority for the statement that more white persons were killed during this period of nominal peace than during the campaign that followed.

Dunmore, aroused to action by the savage atrocities, decided to make open war upon them and settle, once for all, the question of

the settlement of Kentucky. Two armies, numbering three thousand men, Virginia regulars and volunteers, were organized and prepared to march against the savages. Lord Dunmore marched with one division of these forces to Fort Pitt, at the same time ordering General Lewis, commanding the other division, to proceed to the mouth of the Kanawha. These forces were to unite at a given point on the Ohio river, and together attack and destroy the Shawnee villages in the Scioto valley. But Cornstalk, though a savage, was himself a master of military strategy, and he determined to attack and destroy the column of General Lewis before it could combine with that of Lord Dunmore; in other words, like a good general, he proposed to fight and destroy his opponents one at a time. Lewis, either having warning of Cornstalk's purpose, or, as is more likely, divining it, proposed to anticipate the action of his enemy and attack at once, which he did at what is known as Point Pleasant. In a word, he did, as General Forrest many years afterward declared the secret of military success to be—"Getting there first with the most men." October 10, 1774, General Lewis' reconnoitering party, under command of Colonels Fleming and Lewis, the latter the General's brother, met a like party sent out by Cornstalk, the two parties being each more than a thousand strong. The result was for a time unfortunate for the whites, Fleming and Lewis, the commanding officers of the two regiments, being each mortally wounded and their troops driven back. The retreat was checked only by the coming on the field of reenforcements under command of Colonel Field, who was later himself wounded, the result of his coming being merely a temporary checking of the success of the savage forces. Cornstalk and his subordinates, Logan (with a white man's name), Red Eagle and other less known chiefs, pressed forward to make complete their seeming victory. General Lewis, in the face of almost sure defeat, sent three of his captains—Isaac Shelby, George Matthews and John Stuart—upon the almost forlorn hope of a flank movement, with orders to gain the rear of the savage forces and attack them from this vantage ground Those familiar with military movements will understand that while this movement by the flank and to the rear was being executed, General Lewis and the already beaten troops in his command were compelled to hold the enemy in check, no matter at what loss. The movement to the rear was successful, the savages, believing their new assailants to be white reinforcements, fled across the Ohio to their villages on the Scioto. This contest, won at the last by strategy, has been described as "the most hotly contested fight which the Indians had ever made against the English; the first considerable battle which they had fought without the aid of the French."

One cannot refrain from expressing somewhat of admiration for the untutored savage, Cornstalk, who, fighting for the land which he claimed for himself and his people, came so near a victory over white men, led by trained soldiers. Disheartened, however, by his defeat, he retired beyond the Ohio, there to learn that Dunmore had devastated with his column the Scioto villages and disheartened his braves who had survived the battles in which they had engaged with the white men.

The result was a treaty arranged with Lord Dunmore at Camp Charlotte, in which treaty the allied tribes surrendered all claims to Kentucky as the Six Nations had formerly done at Fort Stanwix, it being guaranteed by the Indians that no white man should hereafter be molested on the Ohio river, nor should any Indian pass to the southern bank. This treaty was very good while it lasted, but unfortunately for the white settlers it was not faithfully observed by the Indians.

CHAPTER V.

BOONE, OF THE "TRANSYLVANIA COMPANY"—COLONEL RICHARD HENDERSON—CHEROKEES DEED "THEIR" LANDS—BOONE, COLONIZING AGENT—FORT BOONESBOROUGH ERECTED—INDIANS ATTACK, DESPITE TREATY—FELIX WALKER'S NARRATIVE—TURNING BACK THE FAINT-HEARTS—HENDERSON'S ROYAL RECEPTION—LAST AMERICAN "LORD PROTECTOR."

The treaty with Cornstalk and his allies, after the victory of the Virginia forces at Point Pleasant, made safe for the time being, the upper Ohio river and correspondingly reduced the dangers attendant upon those who ventured into Kentucky. The result was that men who had faith in Indian treaties and perhaps some who had not, took up the line of march for Kentucky where they hoped to get lands, erect homes, raise crops and thereafter live in peace. While this was a vain hope, as was later proven, yet it served a good purpose in that it brought into the unsettled territory men who could in most respects, be depended upon to aid in its defense against future savage incursions.

There is a hint in McElroy, the latest of Kentucky historians, that Daniel Boone, of whose character the historian does not seem to have had too high an estimate, came first to Kentucky as the confidential agent of what was afterward known as the Transylvania Company He states that this cannot be ascertained with authority, but declares "that not many months after the battle of Point Pleasant, Boone was acting as the trusted and secret agent of such a corporation." This may be true of Boone, yet the latter day antagonism to anything bearing the name of a corporation should not be permitted to dim the record of what Daniel Boone did towards wresting Kentucky from savage control and making it a safe home for the white man.

Colonel Richard Henderson now begins to loom large upon the history of the west. He was a Virginian, who had gone to North Carolina, where he became a superior court judge. He was a man of talent, possibly of that restless Anglo-Saxon spirit which is never content with present surroundings, but impels its possessor to go forward towards better things and wider fields of action. Henderson, with eight associates, formed a corporation the purpose of which was the purchase from the Cherokees of a great body of land in Kentucky on which to found a colony. Whatever may be said of his purposes or of his further designs, he should not be derided for his effort to open to civilization so fair a land as that which had attracted him. It was a great scheme, that of Colonel Henderson, but in the America of even that early day there seemed to have been the germ of liberty and his great proprietary idea came to naught in the end.

A great council of about twelve hundred of the Cherokee Indians, with their chiefs in control, was held at the Sycamore Shoals on the Watago river, following a propitiatory visit from Colonel Henderson. At this council a deed was drawn and signed with the formality usual in dealing with the Indians, which conveyed to Colonel Henderson and his asso-

ciates in a corporate capacity, as "Proprietors of the Colony of Transylvania," a district composing, according to McElroy, "one-half of the modern state of Kentucky and the adjacent part of Tennessee lying within the southerly bend of the Cumberland river." In consideration of the payment of ten thousand pounds sterling in goods, this treaty was signed March 17, 1775. It would be interesting to know the value set upon these goods by the white signatories to the treaty There is a possibility that they might put to the blush some of the values put upon every-day commodities of the present day by the trusts which have taken control of so many of our present necessities. It is not every trust that is of recent birth. Our progenitors had, also, some business capacity Henderson had made his purchase, but had not calculated far enough into the future; he had "bought a pig in a poke," but had not secured actual possession of the pig. He had not, nor could he, secure a fair title to the lands which he claimed because the charter rights of the colony of Virginia included the lands which he claimed as well as the charter rights of the Royal Proclamation of 1763. Of course, the Indians also set up a claim to these lands, but that claim was not to be considered, as no other claim of theirs to any lands whatsoever, was considered in those days. "Let him take who has the power; let him keep who can" was the ruling idea, and the rights of the Indian were never considered at all.

Henderson had a formal possession of the land granted him by the Cherokees, but actual possession was a matter of more moment. To possess this wide domain, he must settle it; to settle it, he must bring people from the East, which then meant Virginia and North Carolina. This being true, what more natural than that Colonel Henderson should secure the services of Daniel Boone? He had been to Kentucky; had spent many months in that country; he knew more about it than any other man, and, in addition, he was a trained hunter and pioneer; he knew the Indians to whom he had been a captive and from whom he had escaped; he had lived alone for many months in the new country and there was no other man with knowledge equal to his. It is to the credit of Henderson, whatever one may think of his schemes, that he should have selected Boone for the difficult task of marking a road to the principality which he hoped to possess. Nor does it seem that Boone should be blamed for accepting employment from a corporation whose object, however objectionable some may deem it, in other respects was to open a new land to civilization and settlement.

Boone accepted employment from Colonel Henderson and, according to John Filson, to whom every historian of early Kentucky is indebted, "collected a number of enterprising men well armed, proceeded with all necessary expedition until they came within fifteen miles of where Boonesborough now stands, and there were fired upon by a party of Indians who killed two and wounded two of the number; yet, although surprised and taken at a disadvantage, they stood their ground. This was March 20, 1775. Three days afterwards we were fired upon again and two men killed and three wounded. Afterward we continued on to Kentucky river without opposition, and on April 5th began to erect the fort of Boonesborough at a salt lick, about sixty yards from the river on the south side."

On the 20th of March, three days after the treaty with the Cherokees had been signed at Wataga, Colonel Henderson proved that his ambitious designs were backed by the brave spirit of the pioneer who dares all and risks all. He set out from Wataga at the head of thirty other adventurous spirits, for what he hoped was his new dominion, his purpose being to set up a land office in the fort at Boonesborough.

Henderson's diary shows that his progress was accompanied by many incidents that are

the accompaniment of all pioneer movements. These incidents, some of them trivial enough, are set forth with a particularity which indicates that Henderson took himself and his enterprise very seriously, as well he might.

Some of these incidents, however, were serious enough, as for instance the entry of April 7th, which is noted by Collins in full as follows: "About eleven o'clock received a letter from Mr. Littereals' camp that there were five persons killed on the road to the Cantuckee, by Indians. Captain Hart upon the receipt of this news, retreated back with his company and determined to settle in the valley to make corn for the Cantucky people. The same day received a letter from Daniel Boone that his company was fired upon by Indians who killed two of his men, though he kept the ground and saved the baggage, etc." Collins in his "History of Kentucky" gives the text of Boone's letter which was addressed to "Col. Henderson—"these with care," as follows:

"Dear Colonel: After my compliments to you, I shall acquaint you of our misfortunes. On March the 25th, a party of Indians fired on my company about half an hour before day and killed Mr. Twetty and his negro and wounded Mr. Walker very deeply, but I hope he will recover.

"On March the 28th, as we were hunting for provisions, we found Samuel Tates' son, who gave us an account that the Indians fired on their camp on the 27th day. My brother and I went down and found two men killed and scalped, Thomas McDowell and Jeremiah McPheeters. I have sent a man down to all the lower companies in order to gather them all to the mouth of the Otter creek. My advice to you, Sir, is to come or send as soon as possible; your company is greatly desired, for the people are very uneasy but are willing to stay and venture their lives with you, and now is the time to frustrate the intentions of the Indians and keep the country whilst we are in it. If we give way to them now, it will ever be the case. This day we start from the battle-ground for the mouth of Otter creek, where we shall immediately erect a fort which will be done before you can come or send—then we can send ten men to meet you, if you send for them.

"I am Sir, your most obedient

"Daniel Boone."

"N. B.—We stood on the ground and guarded our baggage till day and lost nothing. We have about fifteen miles to Cantuck (Kentucky river) at Otter creek."

A side-light is thrown upon this letter of Daniel Boone and the conditions of those troublous times by the following narrative, prepared years afterward by Felix Walker, who is mentioned in Boone's communication to Colonel Henderson:

"In the month of February in that year [1775] Captain William Twetty, Samuel Coburn, James Bridges, Thomas Johnson, John Hart, William Hicks, Jas. Peeke, and myself set out from Rutherford county, N. C., to explore a country by the name of Leowvisay, greatly renowned and highly spoken of as the best quality of land, abounding in game, now in the State of Kentucky.

"We placed ourselves under the care and direction of Captain Twetty, an active and enterprising woodsman, of good original mind and great benevolence, and although a light-bodied man, in strength and agility of bodily powers was not surpassed by any of his day and time, well calculated for the enterprise.

"We proceeded to Watawgo river, a tributary stream of Holsteen, to the residence of Col. Charles Robertson, now in the State of Tennessee, where a treaty was held by Col. Richard Henderson and his associates, with the Cherokee tribe of Indians, for the purchase of that section of the country we were going to visit, then called Bloody Ground, so named from the continual wars and quarrels of hunting parties of Indians of different tribes who all claimed the ground as their own, and the privilege of hunting the game; who murdered and plundered each other as opportunity offered.

"We continued at Watawgo during the treaty, which lasted about twenty days. Among others there was a distinguished chief called Atticullaculla, the Indian name, known to the white people by the name of Little Carpenter—in allusion, say the Indians, to his deep, artful and ingenious diplomatic abilities, ably demonstrated in negotiating treaties with the white people, and influence in their national councils; like as a white carpenter could make every notch and joint fit in wood, so he could bring all his views to fill and fit their places in the political machinery of his nation. He was the most celebrated and influential Indian among all the tribes then known; considered as the Solon of his day. He was said to be about ninety years of age, a very small

man, and so lean and light habited that I scarcely believe he would have exceeded more than a pound for each year of his life. He was marked with two large scores or scars on each cheek, his ears cut and banded with silver, hanging nearly down on each shoulder, the ancient Indian mode of distinction in some tribes and fashion in others. In one of his public talks delivered to the whites, he spoke to this effect: He was an old man, had presided as chief in their councils, and as president of his nation for more than half a century, had formerly been appointed agent and evoy extraordinary to the King of England on business of the first importance to his nation; he crossed the big water, arrived at his destination, was received with great distinction, had the honor of dining with his majesty and the nobility; had the utmost respect paid him by the great men among the white people; had accomplished his mission with success, and from the long standing in the highest dignities of his nation, he claimed the confidence and good faith in all and everything he would advance in support of the rightful claims of his people to the Bloody Ground, then in treaty to be sold to the white people. His name is mentioned in the life of General Marion, at a treaty held with the Cherokees at Kewee, in South Carolina, in the year 1762 or '63. The treaty being concluded and the purchase made, we proceeded on our journey to meet Col. Daniel Boone with other adventurers, bound to the same country; accordingly we met and rendezvoused at the Long Island on Holsteen river, united our small force with Colonel Boone and his associates, his brother Squire Boone, and Col. Richard Calloway, of Virginia. Our company, when united, amounted to thirty persons. We then, by general consent, put ourselves under the management and control of Colonel Boone, who was to be our pilot and conductor through the wilderness to the promised land; perhaps no adventurers since the days of Don Quixote, or before, ever felt so cheerful and elated in prospect; every heart abounded with joy and excitement in anticipating the new things we would see, and the romantic scenes through which we must pass; and exclusive of the novelty of the journey, the advantages and accumulations ensuing on the settlement of a new country was a dazzling object with many of our company. Under the influence of those impressions we went our way rejoicing with transporting views of our success, taking our leave of the civilized world for a season.

"About the 10th of March we put off from the Long Island, marked our track with our hatchets, crossed the Clinch and Powell's river, over Cumberland mountain, and crossed Cumberland river—came to a water course called by Col. —— Rockcastle river; killed a fine bear on our way, camped all night and had an excellent supper.

"On leaving that river we had to encounter and cut our way through a country of about twenty miles, entirely covered with dead brush, which we found a difficult and laborious task; at the end of which we arrived at the commencement of a cane country; traveled about thirty miles through thick cane and reed, and as the cane ceased, we began to discover the pleasing and rapturous appearance of the plains of Kentucky. A new sky and strange earth seemed to be presented to our view. So rich a soil we had never seen before; covered with clover in full bloom; the woods were abounding with wild game—turkey so numerous that it might be said they appeared but one flock, universally scattered in the woods. It appeared that nature, in the profusion of her bounty, had spread a feast for all that lives, both for the animal and rational world. A sight so delightful to our view and grateful to our feelings almost inclined us, in imitation of Columbus, in transport to kiss the soil of Kentucky, as he hailed and saluted the sand on first setting foot on the shores of America. The appearance of the country came up to the full measure of our expectations, and seemed to exceed the fruitful source of our imaginary prospects.

"We felt ourselves as passengers through the wilderness just arrived at the fields of Elysium, or at the garden where was no forbidden fruit. Nothing can furnish the contemplative mind with more sublime reflections than nature unbroken by art. We can there trace the wisdom of the Great Architect in the construction of his works in Nature's simplicity, which, when he had finished, he pronounced all good. But, alas, fond man! the vision of a moment made dream of a dream, and shadow of a shade! Man may appoint, but One greater than man can disappoint. A sad reverse overtook us two days after on our way to the Kentucky river. On the 27th of March, 1775, we were fired on by the Indians in our camp asleep, about an hour before day. Captain Twetty was shot in both knees, and died the third day after; a black man, his body servant, killed dead; myself badly wounded; our company dispersed. So fatal and tragical an event cast a deep gloom of melancholy over all our prospects and high calculations of long life and happy days in our newly-discovered country were prostrated; hope vanished from the most of us, and left us suspended in the tumult of uncertainty and conjecture. Colonel Boone and a few others appeared to possess firmness and fortitude. In our

calamitous situation a circumstance occurred one morning after our misfortunes that proved the courage and stability of our few remaining men (for some had gone back). One of our men who had run off at the fire of the Indians on our camp, was discovered peeping from behind a tree by a black woman belonging to Colonel Calloway while gathering small wood. She ran in and gave the alarm of Indians. Colonel Boone instantly caught his rifle, ordered the few men to form, take trees and give battle, and not to run till they saw him fall. They formed agreeable to his directions, and I believe they would have fought with equal bravery to any Spartan band ever brought to the field of action, when the man behind the tree announced his name and came in. My situation was critical and dangerous, being then a youth, three hundred miles from white inhabitants. My friend and guardian, Captain Twetty, taken dead from my side, my wounds pronounced by some to be mortal, produced very serious reflections. Yet withal I retained firmness to support me under the pressure of distress, and did not suffer me to languish in depressing mind.

"But where shall I begin, or where can I end, in thanks and grateful acknowledgments to that benign and merciful Protector who spared and preserved me in the blaze of danger and in the midst of death! I trust I shall remember that singular and protecting event with filial sensations of gratitude while I retain my recollection.

"We remained at the same place twelve days; I could not be removed sooner without the danger of instant death. At length I was carried on a litter between two horses twelve miles, to Kentucky river, where we made a station and called it Boonesborough, situated in a plain on the south side of the river, wherein was a lick with two sulphur springs strongly impregnated. On entering the plain we were permitted to view a very interesting and romantic sight. A number of buffaloes of all sizes, supposed to be between two and three hundred, made off from the lick in every direction; some running, some walking, others loping slowly and carelessly, with young calves playing, skipping and bounding through the plain. Such a sight some of us never saw before, nor perhaps never again. But to proceed: Col. Richard Henderson, Col. Luttrell, from North Carolina, Capt. William Cock, since the Hon. Judge Cock, of Tennessee, and Col. Thomas Slaughter, of Virginia, arrived in the month of April, with a company of about thirty men. Our military forces, when united, numbered about sixty or sixty-five men, expert riflemen. We lived plentifully on wild meat, buffalo, bear, deer and turkey, without bread or salt, generally in good health, until the month of July, when I left the country.

"Col. Richard Henderson, being the chief proprietor of the bloody ground (indeed so to us), acted as governor, called an assembly by election of members out of our small numbers, organized a government, convened the assembly in May, 1775, consisting of eighteen members, exclusive of the speaker, and passed several laws for the regulation of our little community, well adapted to the policy of an infant government.

"The assembly was held under two shade trees in the plains of Boonsborough. This was the first feature of civilization ever attempted in what is now called the western country.

"This small beginning; that little germ of policy by a few adventurers from North Carolina has given birth to the now flourishing state of Kentucky. From that period the population increased with such rapidity that in less than twenty years it became a state.

"In justice to Colonel Henderson it may be said that his message or address to the assembly alluded to was considered equal to any of like kind ever delivered to any deliberate body in that day and time.

"In the sequel and conclusion of my narrative I must not neglect to give honor to whom honor is due. Colonel Boone conducted the company under his care through the wilderness with great propriety, intrepidity and courage; and was I to enter an exception to any part of his conduct it would be on the ground that he appeared void of fear and of consequence—too little caution for the enterprise. But let me, with feeling recollection and lasting gratitude, ever remember the unremitting kindness, sympathy, and attention paid to me by Colonel Boone in my distress. He was my father, my physician and friend; he attended me as his child, cured my wounds by the use of medicines from the woods, nursed me with paternal affection until I recovered, without the expectation of reward. Gratitude is the only tribute I can pay to his memory. He is now beyond the praise or the blame of mortals in that world unknown from whose bourne no traveler returns. I also was kindly treated by all my companions, particularly John Kennedy. From Captain Cook I received kind and friendly attentions.

"We continued in our station; our men were out viewing and exploring the country, choosing such tracts of land as suited them, plenty for all, and thought all was our own.

"Col. James Harrod, my old acquaintance in North Carolina, came up to see me, and tarried a few days. Being a little recovered, I went home with him to

his station, since called Harrodsburg, where he had a few men. I tarried there two weeks, and returned to Boonsborough. These two stations contained the whole population of that country which did not exceed in number one hundred men.

"The company in our station continued to traverse the country through woods and wilds, choosing their lots of future inheritance, until the month of July, when I returned home to my father's residence in North Carolina, and have not seen Kentucky since, which I have often regretted.

"I have been often solicited to make a publication of this adventure, but still declined until late. There appears something like it in the newspapers which is not correct.

"I therefore thought it incumbent on me as one of the company, and in possession of all the facts, to make this statement, and give it publicity, which I know to be truth by hard experience; and perhaps I may be the last solitary individual of that number left to give a correct relation of that adventure.

"Felix Walker."

The terms of the treaty made with the Indians after their defeat at Point Pleasant do not seem to have rested very heavily upon them. It will be remembered that this treaty guaranteed the safety of white men on the Ohio river and provided that no Indian should go across the river to its southern bank. The battle of Point Pleasant, which preceded the treaty, was fought October 10, 1774, the agreement with the Indians following soon afterwards, yet in the following March the Indians were on the southern side of the Ohio river, as shown by Boone's letter, indulging in their favorite pastime of murdering white men.

That the Indians had crossed the river and begun fresh atrocities was soon known to the different bodies of whites, creating much alarm. Colonel Henderson notes in his diary, under date of April 8th, that he "met about forty persons returning from the Cantucky on account of the late murder by the Indians. Could prevail on only one to return. Several Virginians, who were with us, turned back from here"

These desertions were not as serious as upon their face they appear to be. The men, who, "having put their hands to the plow," looked back, were not of the stuff of which pioneers are made. Had they remained, timid as they were, they might have proven a burden rather than aid to their real sturdy fellows, who dared to meet the Indian on any ground and who fought him until they had gained for the white man every foot of Kentucky.

On receipt of Boone's letter, Colonel Henderson sent forward Capt. William Cocke to inform Boone of his speedy coming, following his messenger with such rapidity as the many difficulties of an unknown forest presented. He met a second party of nineteen fainthearted fugitives making all haste to escape the savage dangers of the new land. Henderson, impetuous and brave, was able to persuade a few of these men to turn back and accompany him to Boonesboro, the others continuing their retreat to the safe land whence they originally came. Colonel Henderson and his party, escaping molestation by the Indians, reached Boonesborough April 20, 1775, and McElroy notes the fact that this was "the very day which began the process of penning up General Gage in the rebellious town of Boston." Noting in his diary the arrival of himself and party at Boonesborough, Colonel Henderson, with the pride of a baron of old when acclaimed by his retainers, writes: "We were saluted by a running fire of about twenty-five guns, all that were at the fort. Men appeared in high spirits and much rejoiced at our arrival."

McElroy in "Kentucky in the Nation's History," in a burst of indignant patriotism, tinged with present-day political fervor, makes this comment upon Henderson's arrival at the new fort:

"Thus did the last of America's Lord Proprietors enter his domain, a little stockade containing a few rough log cabins, and surrounded by a virgin wilderness of some twenty million acres. Presumably this was a good

place to try again the ancient experiment of a Lord Proprietorship, but we can now see that even under the most ideal conditions, no such system of government could have lasted long in the America of 1775. The winds of political doctrine had long been blowing in a direction quite contrary to such an arrangement, as the heirs of the Penns and the Calverts had come to understand."

The people of America had grown weary of "princes and principalities" and as we have seen, were taking steps in Boston to rid themselves of such on the very day when Henderson was being received with salvos at Boonesborough. Instead of Lords Proprietors, they were about to propose to their ruler across the seas, to become independent proprietors themselves. How well they succeeded need not be re-stated here. The echo of the shot at Concord, "heard round the world," as Emerson poetically stated it, yet reverberates and is heeded by every nation on the globe.

It was not alone that the idea behind Colonel Henderson's movement was unsound and not to be tolerated by a people about to set on foot a movement for their own emancipation from kingly control; there was yet another objection—he had no just and proper title to the vast domain which he claimed by reason of the Wataga treaty. That was the current theory. There were more than two hundred men in Kentucky holding land under lawful grant from Virginia before Colonel Henderson had organized the Transylvania movement, or entered into the Wataga treaty, which itself was deemed illegal and in conflict with the laws of Virginia.

CHAPTER VI.

Pioneers of Harrodsburg—Lord Dunmore vs. Colonel Henderson—Henderson Founds New Settlement—Opposition to Transylvania Company—First Kentucky Legislative Assembly—Henderson's "Proprietory" Government—Exhibits Indian Deed—Fear of Vassalage Arises—Garrison Dwindles—General Land Agent Created—Henderson Appeals to Congress—Transylvania Refused Recognition—"Misunderstood" Henry's Character—Opposition Appeal to Virginia—George Rogers Clark Appears.

The first permanent settlement in Kentucky was that at Harrodsburg, which was laid out June 16, 1774, by Captain James Harrod, who, with each of this thirty companions, retained a town lot of one half acre and an "outlot" of ten acres.

When one recalls the boundless area of unoccupied land all about them, one is surprised that these modest pioneers retained but one-half an acre each on which to build their homes. It may be that, recognizing the dangers by which they were constantly surrounded, and their dependence upon each other, they deemed it wisest not to erect their new homes too far apart. A half-acre was sufficient for the modest log cabin and its occupant was in easy calling distance of his neighbor on either side.

One of those with Harrod was James Harlan, grandfather of Mr. Justice John M. Harlan, who has so long honored Kentucky on the bench of the supreme court of the United States.

While Harrod and his associates were engaged in the allotment of their homesteads, Daniel Boone and Michael Stoner came to them with the warning from Governor Dunmore that the Indians were about to go on the warpath. Boone delayed long enough to assist in the assignment of lots among Harrod's men, in return for which he was also assigned a lot. It does not appear that his companion, Stoner, was equally compensated, and the presumption is that while Boone was assisting the new settlers in working out their first municipal problem Stoner was loafing. To be charitable, it may be assumed that he was on a hunting expedition.

Harrod and his party paid heed to Lord Dunmore's warning, and withdrew to Virginia, but came back immediately after peace was declared. March 15, 1775, they reoccupied Harrodsburg.

These men could not be expected to look with complacency upon Colonel Henderson's schemes. They were located on their own lands before the Transylvania scheme was put into effect; a fact which Colonel Henderson seemed to respect, since he made no attempt at interference with completed land titles.

Besides the Harrod settlement, there were also two other places, Boiling Spring and St. Asaph, or Logan's Fort, which represented legal claims surveyed and entered before the setting up of the Transylvania claim. While they were not fortified stations as yet, nor even settlements, the claimants of land at each of those places had complied with the legal requirements of Virginia, and it will readily appear that the interested parties at each of these

three places would look with but small favor upon the Transylvania scheme.

Meanwhile Colonel Henderson and his associates were pondering the momentous questions presented by these prior claims. Before final conclusions, if any such were reached, could be put into effect, a messenger from Lord Dunmore, governor of Virginia, arrived with a momentous document. Col. R. T. Durrett, of Louisville, has in his unrivaled historical collection, a manuscript copy of the proclamation issued by Lord Dunmore, in which in strong language he refers to "one Richard Henderson and other disorderly persons, his associates, who, under pretense of a purchase from the Indians, contrary to aforesaid orders and regulations of His Majesty, has set up a claim to lands of the crown within the limits of the colony." The proclamation enjoined "all justices of the peace, sheriffs and other officers, civil and military, to use their utmost endeavors to prevent the unwarranted and illegal designs of the said Henderson and his abettors."

Whatever one may think of Lord Dunmore and his more than suspected desire to feather his own financial nest with rich real estate pickings in Kentucky, it must be admitted that he had a fine style in the matter of proclamations and a use of the King's English which left no one in doubt as to his meaning.

This proclamation arrayed Virginia and Colonel Henderson in direct opposition, but the latter appears to have been something of a fighter himself. He was a native of Virginia, had been a judge in North Carolina, and, it may be, that he had that large lack of respect for George the Third and his officers which was then so common in the American colonies. At any rate, he did not permit Lord Dunmore's proclamation to interfere, so far as one can judge from outer appearances, with his preconcerted plans. He found the fort which Boone had erected too small for the augmented forces. Perhaps, what was more important in his sight, was the fact that before his arrival, Boone had apportioned among the men of his party, most of the good land about the fort, each man receiving a two-acre lot. Henderson and his party not having arrived at



KENTUCKY'S FIRST CABIN BUILT IN 1774 AT HARRODSBURG BY JAMES HARROD

the time of the allotment, had no lots set apart for them. Henderson therefore, decided upon the erection of a second and larger fort nearer the river bank and some three hundred yards from Boone's fort. Having marked off fifty-four lots about the site of the proposed new fort, Henderson notified his following that they would be distributed by lot on the evening of April 22nd. Robert and Samuel McAfee, who were among those returning to Virginia and who were met by Colonel Henderson and persuaded to join his party, declined to engage in this scheme of allotment, stating their preference to return to their claims hitherto entered at a point some fifty miles below on the Kentucky river. Collins quotes from Henderson's journal: "I informed them myself in the hearing of all attending," says Henderson, "that such settlement should not entitle them to lands from us." This was the beginning of the land troubles, and was probably intended by Henderson as his response to the Dunmore proclamation and a notice to all that the Transylvania Company proposed to assert its imaginary rights under the Wataga treaty.

Captain John Floyd at the head of thirty Virginians, a few days later came to Henderson from their camps on Dick's river to ask upon what terms he and his followers could secure lands from the Transylvania Company. This was the first apparent recognition of the Transylvania Company, but Henderson was wary and suspecting Floyd, a deputy surveyor of Fincastle county, of being a spy sent to gather information against the Transylvania Company, gave him nothing that could be used against the latter company.

While Floyd was impatiently awaiting a declaration of his purposes from Colonel Henderson, there appeared two others who wished like information. These were Col. Thomas Slaughter and Capt. James Harrod, each of whom had preceded Henderson into Kentucky and were naturally anxious to know why he, at a later date, should have a claim prior to their own. Henderson evidently recognized the difficulties that confronted him, though he did not give way to them.

In the Durrett manuscript collection, Henderson says: "We were afraid to determine in favor of the right side; and, not being capable, if we could have wished it, to give a decree against them, our embarrassment was exceedingly great."

Henderson was a man of resources. Defeated in one line of attack, he attempted another. One is tempted to admire Colonel Henderson. He was a gallant man, not afraid to meet his enemies and give them battle. He had imagination and looked to the future. Transylvania proved that. The trouble with Colonel Henderson was that he arrived too late. The people of the colonies had reached a point where they proposed to do their own thinking; to cut themselves loose from princes and principalities and be free men. Henderson probably saw this but he was not the man to surrender without carrying the fight to its uttermost limits. It occurred to him to bring to one point delegates from all the Kentucky stations, there to discuss the situation. Henderson had confidence in himself; he knew himself to be, intellectually, the superior of most of the men who would respond to his call, and counted upon that fact to dominate the conference and present such legislation as would redound to his advantage.

In accordance with Henderson's call, the first legislative assembly of the district of Kentucky was held, being called to order by Colonel Henderson at Boonesborough, according to the Durrett manuscript, which is accorded accuracy in this history over the imagination of others or "old wives' fables," hitherto accepted as history.

The delegates being assembled, Colonel Henderson welcomed them with a short speech which McElroy says was "with the formality and bombast of a senatorial utter-

ance." Henderson, himself the chief violator of law in the district, pointed out the need of law in a civilized country, and laid great stress upon the dignity of the occasion of their coming together. "You, perhaps, are fixing a palladium, or placing the corner-stone of an edifice, the height and magnificence of whose superstructure is now in the womb of futurity, and can only become great and glorious in proportion to the excellence of its foundation." It would be pleasant to accord to Colonel Henderson prophetic powers in this statement, which has since become literally true, but it is probable that the orator was searching for beautifully rounded periods rather than correct prophetic utterances. But one must admit that he spoke well, however his splendid plans may have failed. He was no common man.

Colonel Henderson was an ambitious, but not a bad man. He believed in the supremacy of the law and is found declaring that if courts of law are not properly organized and their decrees observed, "our name will become odious abroad and our peace of short and precarious duration." His opinion of the Dunmore proclamation, hitherto referred to, may be gathered from his reference thereto: "It would give honest and disinterested persons cause to suspect that there are some colorable reasons, at least, for the unworthy, scandalous assertions, together with the groundless insinuations, contained in an infamous and scurrilous libel lately published concerning the settlement of this country, the author of which avails himself of his station, and under the spurious pretense of proclamation, pompously dressed up and decorated in the garb of authority, has uttered invectives of the most malignant kind and endeavors to wound the good name of persons whose moral character would derive little advantage by being placed in competition with his."

It will be observed from these remarks of Colonel Henderson that he had a full command of the English language and was equal to its forcible use in stating his opinion of those who did not agree with his Transylvania project. Henderson speciously added that he and his associates had "contemplated the establishment of a proprietary government, as nearly as possible on the model of those existing by the royal grant," though he knew at the moment of making these statements that the colonies were ready to revolt against the royal authority and that the alleged grant of lands which he claimed, under the Wataga treaty, was in direct opposition to the grants made under law by Virginia.

Henderson was in no wise inclined to lessen the dignity of his position of "Lord Proprietor" and desired that others should recognize it. "He contemplated," says McElroy, "the establishment of a proprietory government as nearly as possible on the model of those existing by royal grant" and to this idea he clung though making some slight concessions to Democratic theories.

The assembly attempted little legislation, which was in accordance, no doubt, with Colonel Henderson's wishes. There was nothing said or done with the all-important subject of land titles, though the McAfee brothers had brought that subject squarely to the attention of Henderson some time before the meeting. When the question of a name for the new district was considered on the request of Todd and Harrod, Colonel Henderson and his associates replied, "that it was their pleasure that it should be called Transylvania," which McElroy terms, "rather a high sounding reply for a Democratic government," but it settled the question.

The manuscript journal of this, the first convention ever held in Kentucky, is in possession of Colonel Durrett and from it is learned that Daniel Boone, Harrod and Cocke were sent as delegates to "wait on the proprietors," supposedly at Harrodsburg, Boiling Spring and St. Asaph or Logan's fort," and

beg that they will not indulge any person whatever in granting them lands, unless they comply with the former proposals of settling the country." These "former proposals" are supposed to be those of the Transylvania Company, but why Harrod, the head of the settlement at Harrodsburg or "Oldtown" as it was first called, should have been sent with a message to himself does not appear. Henderson probably had it in mind to thus prevent adverse action by absentee landlords from whom he could expect nothing but opposition to his company, which had for its tenure the slight superstructure of a treaty with the Indians who had signed away lands to which they had no title; at least to lands the tenure of which the laws of Virginia did not respect. It is perhaps too much to expect from a mere historian of events to enter into a discussion of the intricacies of the original ownership of the lands which the present citizens of Kentucky claim as their own, either by purchase or by descent, with slight regard for the original ownership by the first occupants, the Indians. However, the Indians had always considered Kentucky as a game reservation. The white man liked it and took it. That is the whole story.

There is no definite reply on record to this message borne by Boone and his associates. Henderson writes into his Journal what he calls "a message received from the proprietors," which he signs and which McElroy terms "as explicit an answer as could be framed without making the least reference to the petition." This extract is as follows: "To give every possible satisfaction to the good people, your constituents, we desire to exhibit our deed from the Aborigines and first owners of the soil of Transylvania, and hope you will cause an entry to be made of the exhibition in your Journal."

McElroy continues as follows: "This was equivalent to telling the assembly that those in whom was vested the proprietorship of the colony would make such arrangements as they chose respecting the granting of land titles, though, in form, it was an invitation to the representatives of the people to assure themselves that the Transylvania Company was the real owner of the territory. To this proposition the assembly at once assented and Colonel Henderson personally attended the convention, with John Farrow, attorney in fact for the head warriors or chiefs of the Cherokee Indians' and exposed to view the Wataga deed of the 17th of March, 1775. The assembly having inspected this formal and somewhat verbose document, signed by the three great chiefs, Oconestoto (the king), Attacullacullah (Little Carpenter) and Savonooko (Raven Warrior), turned their attention to the preparation of a formal compact to be entered into by the proprietors and the people. This compact, signed and sealed on the 27th of May, 1775, guarantees the annual election of delegates, religious freedom, independence of the judiciary and other similar provisions for a free government."

After the return to their stations of those who had attended the convention and a recital of the manner of the "Lord Proprietor," the pioneers who had preceded Henderson into the wilderness and who, up to this time, had been somewhat in sympathy with his efforts, began to have a feeling of alarm and hostility. Under hardships and facing dangers such as he had never known, they had selected homes for themselves, and they now feared that if Henderson established his claims they would find free government sacrificed and in its stead a "proprietary government designed for the benefit of the few;" in other words, Henderson would be lord of the manor and they but his vassals. The vassalage idea was quite unpopular at that period in Kentucky.

This feeling of discontent was soon visibly apparent. When Colonel Henderson joined his forces to those at Boonesborough the strength of the garrison was sixty-five. This

was April 20, 1775. Within a few weeks this force was increased to about eighty men, but after the convention, so great was the discontent that by June 15th the force had dwindled to fifty and was steadily declining.

Virginia was hostile; of that no doubt was left when Lord Dunmore's proclamation was issued. Governor Martin of North Carolina had left no doubt of his opposition to the Watauga treaty. The colonists, most of whom had preceded Henderson and his party into the new land, were discontented and their opposition to Henderson and his schemes grew daily more pronounced. Those coming into the country from Virginia, North Carolina and elsewhere, avoided Henderson and Boonesborough and sought homes at other places. Some few of the earlier settlers recognized the authority of Henderson's company and paid the charges assessed against them without a murmur, believing that they were thus securing valid titles to their lands. Others, not so trusting and wiser, relied wholly upon their Virginia titles, denouncing Henderson and the proprietary company as impostors. The weight of all authority of the period is that Henderson was not recognized as of authority to grant lands, by the original settlers who had preceded his coming. That large bodies of land were undoubtedly entered under his authority is not denied but those entries were made by newcomers.

Henderson and his associates, recognizing the discontent, formulated regulations concerning land claims, providing for a General Agent of the company who should reside in the colony and receive a stated salary out of the proceeds of the sale of lands. For some reason, not available now, Henderson permitted Colonel John Williams, rather than himself, to be chosen to this position. It may be observed at this point that neither the name of Henderson nor this Colonel Williams appears anywhere in the records of subsequent battles with the Indians in defense of the colony. They appear to have had each "an itching palm," rather than a desire to face danger and death in defense of the land which they claimed by a title shadowy at its best.

Williams, as agent, was forbidden to "grant any lands adjoining salt springs, gold, silver, copper, lead, or sulphur mines, knowing them to be such." In all deeds drawn he was directed to reserve "one-half of all gold, silver, copper, lead and sulphur" to the company. Along navigable rivers grants had a depth twice the length of the water frontage, but the settlers resented this not unreasonable provision, as they were accustomed to select whatever land they desired and wherever they desired it. The company also fixed an arbitrary price upon the land which, again, had a tendency to produce a feeling of opposition upon the part of prospective and present settlers. The present independent spirit of the Kentuckian may readily be ascribed to the character of his ancestors, who brooked no interference with what they deemed their just rights.

Among other important transactions of the company at this time was the voting "that a present of 2,000 acres of land be made to Colonel Daniel Boone, with the thanks of the Proprietors for the signal service he had rendered to the company." This statement gains additional force from the indication given that the "Kentucky Colonel" began to flourish in colonial days and is not, as popularly supposed, a product of latter day wars and the propensity of a peaceful people to distinguish certain of their number with a title which, in many instances, means that its recipient never saw a regiment in line nor heard a hostile gun.

Henderson and his associates, recognizing the powerful effect upon their plans of the openly declared opposition of Virginia and North Carolina, made a play for the support of the then highest power in the colonies—the Continental congress at Philadelphia. A

memorial to that body was prepared, asking that Transylvania be recognized as one of the United Colonies. In the Durrett manuscript history is a complete copy of this memorial. The plea for recognition contained the following "patriotic fireworks," so termed by McElroy: "Having their hearts warmed with the same noble spirit that animates the colonies and moved with indignation at the late ministerial and parliamentary usurpations, it is the earnest wish of the Proprietors of Transylvania to be considered by the colonies as brothers, engaged in the same great cause of liberty and mankind."

James Hogg, one of the Proprietors, was sent with this appeal to the congress with instructions that he ask to be seated in that body as the delegate from Transylvania. Hogg proceeded forthwith to Philadelphia, where he arrived October 22, 1775. Some six weeks later he reported to Henderson his movements and the results of his several interviews with prominent delegates, among others with John and Samuel Adams, of Massachusetts, whom he represents as being pleased with the idea. Objection was made, however, that "taking under our protection a body of people who have acted in defiance of the King's proclamation will be looked on as a confirmation of that independent spirit with which we are daily reproached." Hogg claimed that the memorial breathed loyalty to the king. He reports them as pleased with the memorial, but with that shrewdness characteristic of the Adams family, they discovered the important fact that the proposed Transylvania comprised a part of the lands embraced in the chartered grant to Virginia, and, withdrawing from further consideration of the matter, the Adamses very properly suggested that Hogg advise with the Virginia delegation before proceeding further.

Hogg, in pursuance of this advice, placed before Thomas Jefferson and George Wythe, of the Virginia delegation, the memorial, together with an explanation of his mission and the desire of the Proprietors, that he, as one of them, be admitted to the congress as the delegate from Transylvania. An examination of the map disclosed to these gentlemen, as it had done to the Adamses, that the Transylvania lands were within the limits of Virginia's chartered rights, and that colony would probably be within its rights were it to claim the whole of Transylvania. Jefferson stated that he would not urge interference, however, by Virginia, unless an effort were made to establish an arbitrary or oppressive government within her chartered boundaries.

Mr. Jefferson refused to consent to an acknowledgment of Transylvania by the congress without the approbation of his constituents, which Hogg represents him as thinking might be obtained. McElroy, in "Kentucky in the Nation's History," quotes as follows from Hogg's report to Colonel Henderson, now in the valuable historical manuscript of Colonel Durrett: "I was several times with Mr. Dean of Connecticut. He says he will send some people to see our country, and if their report be favorable, he thinks many Connecticut people will join us. This gentleman is a scholar and a man of sense and enterprise, and rich, and I am apt to believe has some thoughts of heading a party of Connecticut adventurers, providing things can be made agreeable to him. He is recognized (as) a good man, and much esteemed in congress; but he is an enthusiast on liberty and will have nothing to do with it unless he is pleased with our form of government. He is a great admirer of the Connecticut constitution, and was so good as to favor me with a long letter on that subject, a copy of which is enclosed. You would be amazed to see how much in earnest all these speculative gentlemen are about the plan to be adopted by the Transylvanians. They entreat, they pray, that we make it a free government, and beg that no mercenary or ambitious views in the Proprietors may prevent it. Quit rents, they say, is a mark of vassalage, and hope that they shall

not be established in Transylvania. They even threaten us with their opposition, if we do not act on liberal principles when we have it so much in our power to render ourselves immortal. Many of them advised a law against negroes." Mr. Hogg's letter ends here, without further details as to his mission, but it is known from other sources that he failed to receive official recognition and was never seated as the delegate from Transylvania in the Continental congress, which body rejected the memorial borne by him.

This result is directly traceable to the renowned Patrick Henry, who employed his splendid talents against the entire Transylvania project. It seems that Mr. Hogg did not properly estimate the character of Henry and, in effect, put into use, or attempted to do so, methods that in more modern days, have been used with more success in certain instances. In a word, he practically offered Henry a bribe. In a deposition by Patrick Henry, given June 4, 1777, "the deponent further says that William Henderson and his partners, very soon after their supposed purchase, joined in a letter to this deponent in which was contained, as this deponent thinks, a distant, though plain hint, that he, the deponent, might be a partner with them." Henry refers to other messages to the same effect received from the Henderson company, all of them being refused with "the strongest disapprobation of their whole proceeding, giving as a reason that the people of Virginia had a right to the back country derived from their charter and the blood and treasure expended on that account."

The failure of Hogg to receive recognition at Philadelphia was not the only blow that struck the ambitious and avaricious Transylvania Company at this time. Men who had entered lands at the land office of the company were growing restless under the many restrictions and petty annoyances of the Lords Proprietors. Eighty-four men who had entered lands in the office by Colonel Williams became dissatisfied, and were in fear of loss of their money and lands by reason of insecure titles. These men united in a petition to the Virginia convention, stating that they had been induced by a show of easy terms to enter lands in the Transylvania Company's alleged region, believing that they were receiving good titles. They further stated that the company had "advanced the price of the purchase money"—a somewhat singular statement, as the company, though claiming much authority, probably would not have asserted the power to fix the "price of money." It may be assumed that the petitioners meant that the company had advanced the price of the lands they pretended to sell, especially as they go on to state that the company had "increased the fees to entry and surveying to a most exhorbitant rate, rising in their demands as the settlers increase, or their insatiable avarice shall dictate." They go further and state the belief that the territory claimed by the Transylvania Company lies within the boundaries set out in the Fort Stanwix treaty and that the king will take steps at some time to assert his title thereto. The petitioners state their fear that they are in danger of being deprived of their lands and of being forced to repurchase them, should a new proprietor, with a deed from the king, assert ownership in the disputed territory. For these reasons the petitioners plead to be taken under the protection of the Virginia convention, stating their belief that they are in fact still a part of that colony, and begging protection from the impositions of the men calling themselves "Proprietors."

This petition was received by the Virginia convention in March, 1776, but definite action thereon was prevented by more momentous questions. The Indians of the northwest receiving news of hositlities between the American colonies and England, renewed the barbarous warfare temporarily ended by the battle at Point Pleasant, British agents going

among them and inciting them to deeds of violence. If Virginia went to the defense of the colonies in Kentucky, the Transylvania Company must be ignored. If Virginia declined to aid them, then the Transylvania people must arrange their own defense. This was a question of great moment; how great was not then recognized by the Virginia authorities. It was solved by a man who was later to play a great part in the making of history and to give to Virginia a great territory, free from Indian or English influence. George Rogers Clark appeared upon the scene at this critical moment.

CHAPTER VII.

Clark in Command of Militia—Refuses British Military Commission—Opposition to Transylvania Scheme—Delegate to Virginia Assembly—Historic "Five Hundred Pounds of Powder"—A Double Victory—Transylvania Dies; Kentucky Born.

George Rogers Clark, the winner of the Northwest territory for the Union that was to be, came to be a Kentucky colonist at the moment when the Indians, forgetting past defeats and the treaty they had signed, put on the war paint again, won by specious promises made by wily agents of the British government, and began their savage warfare anew among the people on the southern bank of the Ohio river, whom they had declared in solemn treaty they would never more molest.

The Indian is not to be wholly blamed for this; he was a savage; the land on the southern bank of the Ohio he claimed as his own, as his hunting ground, and the provisions of a treaty, signed by him when the burden of defeat laid heavily upon him, meant less to him than to the white signatories.

The English agents were blamable; they were white men, capable and educated; they knew the solemnity of a treaty and the force of its provisions; they knew that the men, women and children of Kentucky to whose murder they were inciting the savages, were of English blood, bone of their bone, flesh of their flesh; yet they drove the Indians against them and to deeds of violence, rapine and murder unequalled by the savage inhabitants of India who, driven to desperation by British tyranny and intolerance, rose against their oppressors and wrote into the history of England in India the bloodiest chapters of the career of the Island Kingdom, the Mistress of the Seas.

Clark first visited Kentucky in 1775, and had so impressed himself upon the colonists as a man of force and character that they placed him in command of their militia. After a short stay, he returned to Virginia, full of knowledge of the situation in Kentucky; the necessity for the development of a system of defense not only against the Indians but against their unnatural allies, the English. Furthermore, he opposed the Transylvania idea and believed that Virginia should reject all the claims of the Lords Proprietors. This meant the early demise of the ambitious designs of Colonel Henderson and his associates. With Patrick Henry, the sturdy statesman and orator, the advocate of liberty at any price, opposing their schemes and refusing craftily tendered bribes; with George Rogers Clark, the born soldier and patriot, declaring in opposition to all their schemes, the ambitious Proprietors saw their principality melt away and their dreams of vast fortune vanish into thin air.

Clark was still a young man, of but twenty-four years; he had shown such capacity and gallantry in Lord Dunmore's war against the Indians as to win the offer of a commission in the British army, which, with a prescience of coming events, he had declined, feeling, even then, that the day was not distant when he

would have the opportunity to draw his sword against England and in favor of the people of his own country, oppressed and distressed by the British government.

Clark, as has been stated, was on his second visit to Kentucky when news came of the beginning of hostilities between England and the American colonies and of the renewed activity of the Indians against the people of Kentucky.

Recognizing the immediate necessity for a close and definite connection with Virginia, if the perils of the moment were to be properly and successfully met, Clark proposed that a representative assembly of delegates from the various scattered stations of the colony should be held at Harrodsburg. Along with the question of defense went that of an utter repudiation of the Colony of Transylvania. Clark minced no words in declaring his views. Brave and manly soldier that he was, he recognized that safety for the few scattered stations in Kentucky lay only under the protection of Virginia and he had little or no sympathy for the Transylvanians whose entire efforts since setting up their alleged government, had been in the direction of acquiring money at the expense of its dupes who had trusted its high sounding promises.

Clark declared that delegates should be sent to Virginia to urge that colony to take under its protection the Kentucky stations and failing that, the lands of Kentucky should be pledged to secure funds for protection, to obtain settlers and to establish an Independent State. It will be observed that Clark nowhere mentions the Lords Proprietors nor Transylvania. With him, as a Virginian, it was Virginia first, and, failing support there, an independent state. Nowhere was there an intimation of submission to King George.

When the Harrodsburg convention proposed by Clark, assembled June 6, 1776, he had not arrived, but when he finally appeared, it was to find that he and one Gabriel John Jones had been named as delegates from Kentucky to the Virginia assembly. He agreed to proceed to Williamsburg and present the claims of the colonists, though without any expectancy that himself and his colleague, Jones, would be seated as delegates. Provided with a memorial to the Virginia assembly Clark and Jones set forth upon their perilous journey to Williamsburg during which Clark is on record as saying he "suffered more torment than I ever experienced before or since;" which is a forceful expression when one recalls the perils and hardships of his future experiences in the service of the colonies and his victories in the northwest. Reaching Charlottesville on his eastern journey, Clark found that the assembly had adjourned. Jones, who was something of a neglible quantity as a delegate, went over to the settlements on the Holston, while Clark pursued his journey and the purpose which had brought him across the mountains to Virginia, and in Hanover county sought and secured an interview with Patrick Henry, who had become governor of Virginia.

Clark made a full statement of the conditions then existing in Kentucky, and it is very probable gave much pleasure to Governor Henry by expressing his frank opinion of Colonel Henderson and his fellow-proprietors of Transylvania, with whom, it will be recalled, Henry had an experience at Philadelphia. Afterward he introduced Clark to the executive council, to whom the latter at once addressed his request for five hundred pounds of powder to be used in defense of the people in Kentucky. This was a shrewd and diplomatic move of the young soldier. Once Virginia took steps towards the defense of the people beyond the mountains, many of them her own sons, not only would they be protected, but this practical step towards asserting a proprietary right in the land they occupied would be a blow to Transylvania and lead to the downfall of Henderson and his ambitious designs. The council did not at once agree to Clark's re-

quest, declaring that its powers did not extend so far. Clark, however, was not to be denied; he knew the dire need of his associates in Kentucky—he had journeyed through many difficulties and dangers to Virginia in their behalf, and was not to be put off by pleas of lack of jurisdiction. He pressed his request with such insistence that the council finally concluded that it would assume the responsibility of lending him five hundred pounds of powder, holding him responsible in the event that the house of burgesses did not uphold the transaction. Clark wanted that powder very badly, but not on these terms. In addition to his desire for the powder for defensive purposes, he desired that Virginia should assume, as of right and duty, the defense of the western frontier. He returned the order of the council with a brief note in which he declared his intention to return at once to Kentucky, there to set up an independent state, declaring for the benefit of the council that "a country which is not worth defending is not worth claiming." It was Clark, the diplomat, who penned that indignant statement accompanying his refusal to accept a loan of powder. He knew the members of the council better than they knew themselves and acted accordingly, the result being that Clark was called a second time before the council and on August 23, 1776, he was given another order for five hundred pounds of powder to be conveyed by Virginia officials to Pittsburg, "to be safely kept and delivered to George Rogers Clark, or his order, for the use of the said inhabitants of Kentucky."

Clark had won a double victory, in that he had secured the much needed powder and what, in his view, was more important, an expression from Virginia that it was her duty to defend the western frontier and its brave pioneer occupants. This first and important step he hoped would soon be followed by a direct assertion of Virginia's authority over the territory in Kentucky. Overjoyed with the success thus far attendant upon his efforts, Clark wrote to his friends in Kentucky requesting them to receive the powder at Pittsburg and safely convey it to Kentucky that it might be used in defense against the expected savage forays under English guidance. Clark himself, remained in Virginia awaiting the reassembling of the assembly. Joined by his colleague, Gabriel John Jones, he proceeded to Williamsburg and presented the memorial of the Kentucky colonists to the assembly. Once again victory was with Clark; the personality which in the near future was to mark him so distinctly as a soldier now stood him in good stead as the civil representative of his people. The Transylvania Company knew that Clark and Jones were in Virginia, claiming rights as delegates to the assembly from "the western portion of Fincastle county," and had put forth every effort of their inventive minds to destroy the effect of their pleas. Notwithstanding the efforts of Colonel Henderson and his associates, the Virginia assembly on December 7, 1776, passed an act which divided the county of Fincastle, which covered a vast and not altogether well-defined western territory, into three sections to be thereafter known as Kentucky county, Washington county and Montgomery county, Virginia.

December 7, 1776, may therefore be claimed as the anniversary of Kentucky, as it undoubtedly was the day when Transylvania met its death blow. That was a rather wide and expansive territory, which the Virginia assembly called Kentucky county, and which is practically the state of Kentucky of today, but it was not wide enough nor expansive enough for the sovereignty of Virginia and of the Lords Proprietors of Transylvania to occupy together; so the latter passed out of existence and have never nor can they ever have a successor in our country.

To George Rogers Clark be all the honor, for to him it is largely due that the Kentucky of today exists. Yet how few of the inhabitants of the state know the great value of his

services at a critical period in our history, or the tremendous effect of his subsequent military successes upon the history of our country. Fewer still know that he sleeps in a humble grave not many miles from the great metropolis of the state, which he helped to politically found and so faithfully served. Nor do they know that outside the pages of history there has been practically no recognition of his great services.

CHAPTER VIII.

Bringing the Powder to Kentucky—At Harrodsburg—Death and Disaster—Indians Defeated—True Pioneers Rejoice—Clark the Man of the Hour.

Clark having won his double victory in securing the powder unconditionally and defeating the plans of Henderson, was preparing to start upon his return to Kentucky, when he learned that no one had appeared at Pittsburg to take charge of the powder which had cost him so much in danger and labor. It was not an easy matter to transport this powder over the mountains to Kentucky. Danger was attended upon every step, since through spies, or otherwise, the Indians had learned that it had been granted Clark and was to be transmitted to Kentucky. But danger never caused Clark to hesitate; it rather spurred him to action.

Accompanied by his colleague, Gabriel John Jones, who appears to have been always around but never doing anything in particular, Clark set out for Pittsburg with the determination to get that powder safely to Kentucky at no matter what cost. The safety of the few scattered stations was dependent upon it. Reaching Pittsburg, Clark and Jones secured a small boat into which the powder was placed and began their long journey down the Ohio river to the Kentucky settlements. They succeeded in escaping the Indians by whom they were pursued and who knew what cargo they carried. The savages unable to keep pace with Clark's boat by water, took to the land, but without success, and were far behind when the latter landed at a point near where Maysville now stands, the landing-place being then known as Three Islands. Entering the mouth of Limestone creek, Clark concealed parts of his precious cargo at each of several points along its heavily wooded shore, allowing his boat after removal of the powder to drift down the stream and into the river to mislead the pursuing Indians.

Clark and his eight companions, the names of none of whom are known, other than that of his colleague, Jones, then set out for the settlement at Harrodsburg. While journeying through the forest they met at the cabin of John Hinkson, a party of surveyors, who stated that, owing to the depredations of the Indians, many of the small stations had been abandoned. These surveyors also informed Clark that Colonel John Todd was somewhere in the neighborhood in command of a body of men sufficiently large, if joined with his own, to safely convey the powder to the settlements. Clark sent Jones and five boatmen to find Colonel Todd and his party while he, with two other men, went forward to McClelland's Fort, where he found the garrison so weakened by desertions, following the renewal of Indian depredations, as to be barely sufficient to retain the fort; none could therefore be spared for the purpose of securing the precious powder. At this post, Clark met with Simon Kenton, who was to play so important a part in the future of Kentucky, and under his guidance hastened to Harrodsburg, where he secured a guard of adequate strength and retraced his steps towards Hinkson's where disaster had preceded him. After his depar-

ture for Harrodsburg, Colonel Todd with some five or six men had arrived at Hinkson's and upon hearing of the hidden powder, had requested Jones to lead him to the places of deposit.

December 25, 1776, as Todd and his party of ten approached the banks of the Limestone to secure the powder, they were fired upon by a body of Indians commanded by Pluggy, a noted Mingo chief, who had discovered the abandoned boat and followed Clark's trail. Jones, poor fellow! who had been Clark's faithful shadow and had uncomplainingly played second fiddle in the Virginia negotiations, and William Graydon, were killed and two others captured, while Colonel Todd and his remaining men escaped to McClelland's station, where Clark and Kenton soon afterwards found them. This was a welcome reinforcement to the weakened garrison.

One week after the killing of Jones, on New Year's Day, 1777, Pluggy, believing the fort to be but weakly garrisoned, led his warriors to an attack upon it, but suffered a repulse, the savages being driven off after the killing of their chief, Pluggy. Of the garrison, McClelland and one other were killed. After the repulse of the savages, Clark hastily secured the hidden powder which was safely taken to Harrodsburg. McClelland's station was abandoned, some going to the stockades while others, not being true pioneers and having no desire for further conflicts with the Indians, returned across the mountains to the older settlements whence they came.

The rejoicing of the pioneers over the success of Clark in securing the powder and safely conveying it to them, was not so great as their satisfaction caused by his victory over Colonel Henderson and his associates. These brave men had pushed out into the wilderness, in the face of savage opposition, to make homes for themselves, when they had been confronted by Henderson with quit rents and titles which might or not stand the scrutiny of the courts. They desired indefensible titles to the lands entered by them and feared that the Lords Proprietors could not give them. When Clark returned from Virginia, they not only saw the Henderson idea dissolve into the air, but they saw something tangible behind their titles; they saw Virginia claiming the territory in which their lands were found; and more than that, they saw Virginia ready to assert that claim and to protect it. More than all else, they saw George Rogers Clark, the soldier-pioneer, ever ready, ever willing, to go out in defense of their rights; to face the savage foe; to endure any hardship; to do all, to dare all, that might be necessary to not only defend the territory they occupied but to venture beyond and seize from the enemy that which he claimed as his own.

Before the coming of Clark, the pioneer conducted his own campaigns. He went out to-day and killed any stray Indian whom he might meet and returned to his station. This method of disposing of the opposing forces had its limitations. Of course if every pioneer went out every day and every pioneer killed an Indian every day, it was only a question of mathematics as to when the Indian would be eliminated from the problem. But sometimes the Indian killed the pioneer, which interfered with the problem of arithmetical progression. Clark's return changed these conditions, because the Indians had changed their methods under the guidance of their British teachers. Whereas, they had before gone among the white settlers of Kentucky in small parties, burning, robbing and murdering in outlying stations, they now came in larger and more compact bodies, frequently under the command of British officers, and conducted their campaigns in keeping with the rules of recognized warfare, save in the instances where they were successful in defeating the settlers, on which occasions they gave way to their savage instincts and ruthlessly tortured and slaughtered their helpless cap-

tives. It is to the everlasting disgrace of our own kith and kin, our English forefathers, that they permitted the torture of white prisoners by their Indian allies. Clark knew of this from conferences with the settlers in Kentucky, with whom he conferred, and planned an expedition for their relief.

CHAPTER IX.

Hamilton, Clark's Opponent—Rescue of Three Kentucky Daughters—First Marriage in Kentucky—Harrodsburg Marked for Destruction—Indians Thwarted—Futile Attack on Boonesborough—Logan's Bravery and Wisdom.

Clark correctly believed that the bands of savages who were harrying Kentucky were in British pay and under British control and that they were used in the rear of the colonies to draw off protecting columns from the Continental army, and with this correct view he knew, with the intuitive knowledge of the born soldier, that a counter-move should be made. To this end he proposed a campaign into the enemy's country, and set about its arrangement.

Col. Henry Hamilton, of the British army, had been assigned by Governor General Carleton to the command of the post at Detroit, which included a large territory under savage control. Hamilton seems by nature to have been fitted for savage warfare. He had, according to his own statement, sent out fifteen Indian expeditions against the white settlers and it has been claimed that he offered prizes for white scalps, though this has not been definitely proven, but it is known that he joined in the war songs of returning Indian marauders, during which they gloatingly exhibited the scalps of the white men, women and children whom they had slain, though these victims were, like himself, of English blood in the main.

Clark, not to be taken unaware, sent out spies to range up and down the Ohio river, to report from the outlying stations the movements of the Indians, and these spies were of great benefit to him and to the colonists up to the time of 1777, during the spring of which Hamilton concluded that the time had arrived for a crushing blow to be delivered to the Kentucky stations of Boonesborough, Harrodsburg and Logan's Fort, thus hoping to drive the colonists back to Virginia and to give back to the Indians their hunting grounds.

The people at Boonesborough had enjoyed a peaceful existence for some time but there was to be a rude awakening. There were but few women who had braved the dangers of the western frontier, but there were some heroic in spirit as their brave husbands and fathers. In July, 1777, there occurred an event which wrought the gallant pioneers to desperation and boded ill for any Indian who fell into their hands. On the 14th of July, two daughters of Col. Richard Calloway, Elizabeth and Frances, and Jemima, the daughter of Daniel Boone, the first two just budding into womanhood and the latter but fourteen years old, ventured out of the fort at Boonesborough for a boat ride on the Kentucky river, all unsuspicious of danger. They were surprised by a band of Indians lurking on the opposite shore and made prisoners, though not before Elizabeth Calloway, possessed of the true courage of the pioneer, had inflicted a serious wound with her paddle upon one of her captors. The cries of the captive girls attracted the attention of those in the fort and immediate steps were taken to rescue them. Boone and Calloway were temporarily absent,

but soon returned. Within the fort were three young men, lovers of the captives. Samuel Henderson was the betrothed lover of Elizabeth Calloway and the nuptial day had been fixed; Col. John Holden was the lover of Fannie Calloway, and Flanders Calloway of Jemima Boone, though that young lady was but fourteen years old at that time. Our forefathers and especially our foremothers, did not postpone matrimony unduly in those days when our state was young as they were.

A party of eight men, including the three lovers of the girl captives, at once placed themselves under the command of Daniel Boone and started to their rescue, a second party on horseback following after. Nightfall brought the pursuit to a temporary end, as they were unable to follow the trail in the darkness, but at dawn of day they were again in pursuit with Boone at their head, his unrivalled knowledge of the Indian and his methods standing them in good stead. The Indians fled northward, evidently intent upon crossing the Ohio to one of their villages, following a route which took them near to the Winchester, North Middletown and Carlisle of to-day. Tuesday morning, the third day after the capture of the young women, they halted near Blue Licks, closely followed by the party under Boone. Elizabeth Calloway, a true frontier girl, with a view to marking the trail, had now and again broken twigs on the trees and bushes along the line of march, which, being observed by the Indians, caused her to be threatened with death. Not dismayed by the uplifted tomahawk, she refrained from further efforts to thus mark their trail and, as opportunity presented, tore off and dropped small portions of her wearing apparel. She had previously refused to exchange her shoes for moccasins, as her fellow captives had done, and as opportunity presented, she had dug deep into the trail the heels of her shoes, hoping thus to attract the attention of those who followed in pursuit. They were required by the savages to walk apart through the brush and to wade up and down through such water as they crossed, hoping thus to hide their trail and deceive the pursuers as to their number.

By dawn on Tuesday, Boone and his party of pursuers were again on the trail and soon saw smoke arising over the trees, indicating that the Indians were preparing their morning meal. In Smith's "History of Kentucky" is found the following record of the rescue of the prisoners.

"Col. Floyd says in a letter written a few days afterward: 'Our study had been how to get the prisoners without giving the Indians time to murder them after being discovered. We saw each other nearly at the same time. Four of us fired and all rushed on them, by which they were prevented from carrying anything away except one shot-gun without ammunition. Col. Boone and myself had pretty fair shots and they hastily fled. I am convinced I shot one through the body. The one he shot dropped his gun; mine had none. The place was covered with thick cane, and being so much elated recovering the poor, little broken-hearted girls, we were prevented from making any further search. We sent the Indians off almost naked, some without their moccasins and none of them with knife or tomahawk. After the girls came to themselves enough to speak, they told us there were five Indians, four Shawnees and one Cherokee; they could speak pretty good English and said they were going to the Shawnee towns. The war-club we got was like those we have seen of that nation, and several words of their language which the girls retained were of the Shawnee tribe.'"

It was afterwards learned that but one of the Indians in this party ever returned to his tribe, which indicates that the firing of the rescuers was more deadly than was supposed by Col. Floyd.

Less than a month after this capture and

rescue, in fact on August 7th, Samuel Henderson and Miss Elizabeth Calloway were married, the ceremony being by Squire Boone, an ordained minister of the Baptist church, and thus in the midst of the forest, in constant danger of death or capture at the hands of the savages who surrounded them, occurred the first marriage in Kentucky. Some time afterwards the other young couples were also married, thus setting a good example to those who were to come after them, and at the same time observing the scriptural exhortation to "multiply and replenish the earth." And they did it. There was no race suicide in the days of our forefathers in Kentucky.

This diversion was for the purpose of stating an interesting incident of the life of the pioneers. Kentucky contains today many good people in whose veins courses the blood of the brave young girls who were the subjects of the turning away from the course of the narrative of British intrusion into the affairs of the colonists.

Hamilton kept constantly informed as to the stations in Kentucky, selected Harrodsburg for the first attack by his Indian allies. Hamilton was playing a double game, permissible in warfare. He was not only retarding the settlement of Kentucky but was, by the active use of his Indian allies, preventing the sending eastward of forces to reinforce the Continental army which sadly needed them.

When his Indian forces, commanded by Chief Blackfish, arrived in the vicinity of Harrodsburg, they came upon one James Ray and his associates who were members of a surveying party, of whom none but Ray escaped, it would seem almost by the interposition of Divine Providence. Closely pursued by the savages, Ray, who was a noted athlete and superior even to the Indians, as a runner, made his way to the fort and gave the alarm. The proper steps for the protection of the station were at once taken, the fighting force being organized and provisions and water collected. Of the companions of James Ray, who had been left behind when he made his successful run to the station, William Ray was killed, William Coomes escaped capture and afterwards joined his comrades at the fort, while Thomas Shores was captured by the Indians, who kept him among them for years, but he finally returned to his friends.

The forces who had attacked the fort at Harrodsburg attempted by artifice to draw its occupants without its protection by setting fire to an outlying cabin. When the settlers came out to extinguish this fire the savages swarmed all about them. The whites at once began a retreat, each man for himself, and each protecting himself as far as possible with his trusty rifle without which none ever trusted himself outside the stockade. As the retreating forces drew near, the gates were opened and all passed within to safety.

The savages, knowing the strength of the fort, were not inclined to make a direct attack and accordingly withdrew hoping to find some smaller stations less strongly protected. April 15th they appeared at Boonesborough to the number of one hundred, where they began an attack. There were but twenty-two guns in the fort, but they were held and aimed by gallant men and with no thought of surrender the brave fellows fought with such excellent effect that at the end of two days' fighting, the Indians drew off their forces, abandoning the siege and taking with them their dead and wounded.

They next appeared before Logan's Fort, upon which they made an unexpected attack while the women of the fort, guarded by the men, were engaged in milking the cows. One man was killed and two wounded in this sudden attack before the men and women could gain the protection of the stockade. Once within the gates, it was found that one of the wounded men had been left behind and was at the mercy of the savages. This man was seen from the stockade to raise himself with much

difficulty, from the ground and after staggering a few steps forward, fall again. Not only was he in view of those in the fort, but of the savages as well. The latter held their fire in the expectancy of a party coming out to the relief of the wounded man, upon whom they expected to fire with probably fatal results. The garrison force had been reduced by casualties to but twelve effective men and, though the sympathy of every one was with the wounded man, it seemed impossible to afford him assistance.

Finally the gallant Col. Benjamin Logan decided to make an effort to rescue his suffering comrade, and called for volunteers to aid him. It seemed like going out to certain death and these brave pioneers hesitated to answer Logan's call. One of them, however, (John Martin), at length agreed to accompany him and the gate was opened, the two men passing through, but Martin's courage cooled and before the gate was closed he sprang back to safety within the stockade, leaving Logan alone to attempt the rescue. This brave man, undaunted, made his way to the wounded pioneer, raised him upon his shoulders and, escaping a shower of bullets from the savages, carried him to safety within the walls of the fort, where he was received with the enthusiastic cheers of the little garrison. Colonel Logan was a tower of strength to the struggling pioneers, and to him is due the highest praise not only for his many courageous acts but for his wisdom in council. The name of Logan is a part of the history of the commonwealth, and those of the name who came after him have worthily upheld the manly traditions of the family.



KENTUCKY'S FIRST FORT, BOONESBOROUGH, ERECTED IN 1775 BY DANIEL BOONE.

CHAPTER X.

KENTUCKY ALMOST DESERTED—RAISE SIEGE OF LOGAN'S FORT—CLARK GETS RELIABLE INFORMATION—MILITARY AID FROM VIRGINIA—CLARK'S TWO SETS OF INSTRUCTIONS—LAND GRANTS TO VOLUNTEERS—CLARK'S EXPEDITION REACHES LOUISVILLE.

Though failing to reduce any of the stations or to inflict more than temporary damage, these Indian attacks had in part accomplished Colonel Hamilton's purpose, in that they had checked western settlement. In this, however, he had unconsciously worked to the interests of the struggling Colonies, who were battling with England's power on the eastern frontier. The young men of Virginia and North Carolina who, but for this renewal of Indian warfare in Kentucky, might have come out to the new land in search of homes, found an outlet for their youthful enthusiasm in another direction and enlisted in the Continental army, thus becoming important factors in the working out of the destiny which was finally to add a new government and a new world power to history.

But Hamilton had partially succeeded in his efforts to restore Kentucky to the Indians and to the wilderness. By January, 1778, Kentucky was practically deserted, save for the three stations of Boonesborough, Logan's Fort and Harrodsburg, whose armament did not exceed one hundred guns, save when occasional visits were made by Virginia militia, while the entire population—men, women and children—did not number more than two hundred persons. But what splendid souls these were; braving every danger, suffering every hardship, uncomplainingly they wrought at the task they had assigned to themselves, that of laying strongly the foundations of a new commonwealth; and they never stopped until their high purpose had been accomplished.

Logan's Fort experienced all the horrors of Indian investment which followed, the crafty savages using every device known to their system of warfare to lure the whites without their gates. Especially did they pretend to retreat, hoping that the whites would follow into their ambuscades, but in this they were unsuccessful. Failing in this expedient, they next sought to cut off the supplies of food and water by preventing any of the occupants of the fort from passing out or in. They held the fort in close siege for weeks, but finally in August Colonel Bowman's advance guard came into Kentucky county and began its march to the relief of the beleaguered fort. The Indians, learning of the coming of reinforcements, raised the siege of Logan's Fort and prepared for a retreat, but in doing this, no doubt under the advice of some British officer with them, they ambuscaded the advance guard of Bowman's forces, firing upon and killing several of them. Upon one of these they placed copies of a proclamation signed by Col. Henry Hamilton, offering protection to all Americans who would subscribe to the oath of allegiance to King George III, and threatening vengeance against all who refused to subscribe to such oath. Many years later, in the War between the States, the descendants of these gallant pioneers had offered to them like advantages or punishment, as the

case might be, which offer many of them bravely declined, preferring to endure imprisonment rather than forswear themselves.

The offer of immunity from Hamilton was found by one of the fellow-soldiers of the dead man who, properly, took it to Col. Logan who concealed it, fearing that his men, worn out by long service, anxiety and privation, might be tempted by the promise of immunity.

George Rogers Clark, then the only real military genius of the western frontier, searching for the best means of securing the stations in Kentucky from attack, decided that the forts of the British in the northwest should be attacked and reduced. But he must have definite information as to the location and garrison of these several stations before making an effort to capture them. To this end he sent two spies into the Northwestern territory with instructions to thoroughly investigate conditions there and, as soon as possible, make a report to him. On the return of these men, Clark learned the truth of what he had all the time suspected: That the British at Detroit were responsible for the Indian attacks. He also conceived the idea, based upon the reports of his scouts, that he could capture these posts without the use of large bodies of troops. He learned that the numerous French inhabitants of the territory in question were disposed to be friendly toward the Americans, though the British had used every effort to prejudice them against the Virginia and Kentucky people, whom they represented as more barbarous than the Indians. Clark was encouraged by this information and believed that he could ally the French with the American cause, if they could be removed from the influence of the British emissaries.

With this belief in mind, which he kept entirely to himself, Clark, on October 1st, set out for Williamsburg, Virginia, where he arrived some two months later, and at once met Governor Patrick Henry. When Clark last met Henry, his modest request was for five hundred pounds of powder, which, as has been seen, he secured and safely conveyed to the beleaguered colonists in Kentucky. He now came with a more ambitious scheme: A descent upon the posts of the enemy north of the Ohio river and the capture or destruction of his forces. To this end, he asked for both men and money to fit out an expedition for the performance of what no one else had dreamed of and which seemed almost impossible.

Clark says, in his memoirs, that Governor Henry was, at first, fond of the scheme, but feared the result of sending a force to so great a distance into the enemy's country. Nothing but secrecy, he claimed, could make it a success, and to lay Clark's proposal before the assembly would be to make it public and ere long the Indians would know of it and would prepare themselves to resist the proposed movement in which, of course, they would have the assistance of their British allies. But Governor Henry knew Clark and had confidence in his military judgment and sagacity. Therefore he did not decline his proposition, though for the reasons stated, he did not submit it to the assembly. He did better by calling together Thomas Jefferson, George Wythe and George Mason, to whom he requested Clark to submit his views. These stalwart patriots and statesmen considered Clark's plans for several weeks, finally approving them and on January 2, 1778, communicating them with a favorable decision, to the council, urging the taking of all necessary steps at once and with the utmost secrecy, for their execution.

On the same day Colonel Clark received two sets of instructions, the first being a blind to the enemy, while the second was for his private use and contained his real instructions. For copies of these two sets of instructions thanks are due to McElroy's "Kentucky in the Nation's History." The first paper intended as a blind is as follows:

"Lieut. Col. George Rogers Clark.—You are to proceed without loss of time to enlist seven companies of men, officered in the usual manner, to act as militia under your orders. They are to proceed to Kentucky, and there to obey such orders and directions as you shall give them, for three months after their arrival at that place; but to receive pay, etc., in case they remain on duty a longer time.

"You are empowered to raise these men in any county in the commonwealth, and the county lieutenants, respectively, are requested to give you all possible assistance in that business.

"Given under my hand at Williamsburg, Jan. 2, 1778.

"(Signed) P. Henry."

The private instructions, which really meant business, were as follows:

"In Council, Williamsburg, Jan. 2, 1778.

"Col. George Rogers Clark:—Sir:—You are to proceed with all convenient speed to raise seven companies of soldiers to consist of fifty men each, officered in the usual manner and armed most properly for the enterprise, and with this force, attack the British force at Kaskasky.

"It is conjectured that there are many pieces of cannon and military stores to a considerable amount at that place, the taking and preservation of which would be a valuable acquisition to the state. If you are so fortunate, therefore, as to succeed in your expedition, you will take every possible measure to secure the artillery and stores and whatever may advantage the state.

"For the transportation of the troops, provisions, etc., down the Ohio, you are to apply to the commanding officer at Fort Pitt for boats, etc. During the whole transaction you are to take especial care to keep the true destination of your force secret. Its success depends upon this.

"It is earnestly desired that you show humanity to such British subjects and other persons as fall in your hands. If the white inhabitants of that post and the neighborhood will give undoubted evidence of their attachment to this state, for it is certain they live within its limits, by taking the test prescribed by law and by every way and means within their power, let them be treated as fellow citizens and their persons and property duly secured. Assistance and protection against all enemies whatever, shall be afforded them and the commonwealth of Virginia is pledged to accomplish it. But, if the people will not accede to these reasonable demands, they must feel the miseries of war under the direction of that humanity that has heretofore distinguished Americans, and which it is expected you will ever consider as the rule of your conduct and from which you are in no instance to depart.

"The corps you are to command are to receive the pay and allowance of militia, and to act under the laws and regulations of this state, now in force, as militia. The inhabitants of the post will be informed by you, that in case they accede to the offer of becoming citizens of this commonwealth, a proper garrison will be maintained among them and every attention bestowed to render their commerce beneficial, the fairest prospects being opened to the dominions both of France and Spain.

"It is in contemplation to establish a post near the mouth of the Ohio. Cannon will be wanted to fortify it. Part of those at Kaskasky will be easily brought thither or otherwise secured as circumstances will make necessary.

"Wishing you success, I am

"Sir,

"Your humble servant,

"P. Henry."

It will be noted that without naming the alleged colony of Transylvania, Governor Henry in the secret instructions to Clark, asserted authority not only over Kentucky, where the Landed Proprietors had claimed sovereignty, but also over Kaskasky and all the territory thereabout, when in speaking of the inhabitants of that post, and their possible adherence to Virginia, he used the forcible term: "for it is certain they live within its limits." Furthermore, he asserted his independence and that of Virginia, when referring to it not as a colony but as a "state." The belief in the ultimate success of Clark is cleverly set forth in the concluding paragraph of the secret instructions, wherein the artillery at that time in the possession of the British at Kaskasky is disposed of as a part of the defense at the proposed post at the mouth of the Ohio.

On the day following the receipt of his instructions, Colonel Clark received from Messrs. Jefferson, Mason and Wythe authority to use certain inducements as a means of rapidly recruiting the desired forces. Their letter follows:

"WILLIAMSBURG, Jan. 3, 1778.

"Sir:—As some Indian tribes to the westward of the Mississippi have lately, without provocation, massacred many of the inhabitants of the frontiers of this commonwealth in the most cruel and barbarous manner, and it is intended to revenge the injury and punish the aggressors by carrying the war into their own country, we congratulate you upon your appointment to conduct so important an enterprise in which we most heartily wish you success, and we have no doubt but some future reward in lands in the country will be given to volunteers who shall engage in this service, in addition to the usual pay, if they are so fortunate as to succeed. We think it just and reasonable that each volunteer entering as a common soldier in this expedition, should be allowed three hundred acres of land and the officers in the usual proportion, out of the lands which may be conquered in the country not in the possession of the said Indians, so as not to interfere with the claims of any friendly Indians or any people willing to become subjects of this commonwealth, and for this, we think you may safely confide in the justice and generosity of the Virginia assembly.

"We are, Sir,

"Your most humble servants,

"G. WYTHE,

"G. MASON,

"TH. JEFFERSON.

"To GEORGE ROGERS CLARK, Esq.

There seems even at this early day in the history of our country to have been a confusion in the public mind in relation to military titles. In the first set of instructions to Clark, the governor addresses him as "Lieut. Colonel Clark;" in the second and real set, he addresses "Col. Clark," while Wythe, Mason and Jefferson address their congratulatory letter to "George Rogers Clark, Esq." However, it mattered little to Clark one may safely believe.



He, unlike some of the "Colonels" of the present day, fairly won his rank in actual combat with the enemy, and would have scorned to wear the title of "Major General" in the days of peace, when there was a doubt that he had ever heard a hostile gun amid the perils of warfare. Clark "made good" in war, however he may afterward have been neglected when peace had come to the country he had so gallantly served.

With the official authority of Governor Henry herein quoted and the moral effect of the pledges of Jefferson, Wythe and Mason, three of Virginia's most noted civilian citizens to encourage him, Colonel Clark set to work

to enlist the force needed for his enterprise, a difficult task, as secrecy was demanded not alone in securing recruits but in arranging for carrying out the details of his expedition. Finally he secured three companies of fifty men each, one hundred and fifty in all, though it will be recalled that he had authority to enlist seven companies, or three hundred and fifty men. Early in May, 1778, he was at the mouth of the Kanawha river ready for the perilous journey down the Ohio. Here he enlisted other volunteers and was joined by a number of immigrants to Kentucky who enjoyed protection by accompanying the military expedition. Without incident of note, the flotilla made its way down the Ohio, landing some of the immigrants at different points. May 27, 1778, Clark, his command, and about eighty of the immigrants, arrived at the Falls of the Ohio.

On the high authority of Col. R. T. Durrett the statement is made that from the date of this landing, the Falls of the Ohio, or in other words, the city of Louisville, has never been without occupation by white people. It is a matter of the greatest interest that this date should be remembered. While there had been people at the Falls prior to the arrival of Colonel Clark and his men, they cannot be recognized as permanent residents. Those who came with him remained and that Colonel Durrett refers to them as, in the main, permanent residents, fixes their status. It may as well be stated here, as elsewhere, that any historical statement as to the early settlement of Kentucky that is made by Colonel Durrett, is accepted as correct by the author of this work.

CHAPTER XI.

Expedition's Objects Made Known — Leaves the Falls for Kaskaskia — Bloodless Capture of Kaskaskia — Surprising Message to the French — Cahokia and Vincennes also Americanized—Hamilton, the "Hair Buyer"—Clark's Invading Army, 170 Strong—Band of Nation-Builders—Advance Message to Vincennes — Grand Results of Clark's Expedition—Returns to Falls of the Ohio.

When Clark arrived at the Falls, the officers and men under his command knew nothing of the objects of the expedition. They did not know where they were going, nor why they were going. He built at Corn Island on the Falls of the Ohio, a stockade to protect his stores, and as a protection to those upon the mainland. The news of the establishment of this post attracted other adventurous spirits and he soon had volunteers from points as far away as the Monongahela river in Pennsylvania.

Colonel Clark had expected to add to his force volunteers from the stations at Boonesborough, Harrodsburg and Logan's Fort, but, as will be seen later, the men at these posts had sufficient to occupy them and could not render that assistance to Colonel Clark which otherwise they would doubtless have been glad to do.

Boonesborough, at this moment, had reason to expect an attack, and could therefore not weaken its forces to assist Clark. The latter had been drilling his raw militia from the time of his arrival at the Falls until June 26th, when he was reinforced by the arrival of a body of men under command of Colonel Bowman and others, the number of which is not known.

It was at this time that Colonel Clark made known to his command his intention to lead them against the British stations north of the Ohio. June 27th he set out upon the perilous task he had set out to perform, with four companies of men under command of Captains Leonard Helm, Joseph Montgomery, William Harrod and Joseph Bowman, the force consisting of but one hundred and thirty-five men, who had started out to win for the country which they served, half a continent. History relates the successes of Colonel Clark, but little is told of these adventurous captains, who, with their men, aided him in adding the Northwest territory to the map of the Union, and driving back to the Great Lakes the Indians and their English allies. Clark, the intrepid pioneer soldier, said later of his command: "I knew that my case was desperate, but the more I reflected on my weakness, the more I was pleased with the interprise."

There is a difference of opinion as to the date of Clark's departure from the Falls. One authority states that his flotilla departed at sunrise on June 24th, "at the very moment of the sun being in a great eclipse;" another states that he departed June 27th. The important fact is that, no matter when he started, he succeeded in his undertaking and justified the confidence imposed in him by Governor

Henry and the three Virginia statesmen who had encouraged him in his great enterprise.

Proceeding down the Ohio, Colonel Clark when near the mouth of the Tennessee river, was joined by a party of six hunters under command of one John Duff, who had left Kaskaskia eight days before and who offered their services as guides. Duff and his men told Colonel Clark that the fort was under the command of M. Rocheblanc, who kept his men in military order and that all spies and Indians were directed to keep a close watch upon all parties from Virginia, the latter being classed as rebels and included in all parties from Kentucky. John Sanders, the principal guide of John Duff's party, offered himself as guide to Colonel Clark, but refused the assistance of others of Duff's party, stating, however, that the capture of the post of Kaskaskia would be easy, as the garrison was sustained more for show on dress parade than for actual defense. Concealing his boats, Colonel Clark then set out upon one of the most desperate enterprises which had characterized the warfare on the border. The historian Bancroft says of this enterprise that "for the valor of the actors, their fidelity to one another, the seeming feebleness of their means and the great results of their hardihood, remains forever memorable in the history of the world."

There lay between Clark and the post of Kaskaskia at this time, one hundred and twenty miles of unknown territory, but with Sanders as his guide, after concealing his boats he began the march. Sanders became confused and lost the trail, exciting suspicion of his loyalty, but, after a time, he secured the correct idea of the route and the expedition proceeded, halting on July 4th, a most auspicious date, within a few miles of the town, where he lay until dusk, when he continued to the suburbs, where a house was taken possession of. Boats were secured and a portion of the command crossed the river, while Colonel Clark, with another small division of his forces, took possession of the fort which was afterwards known as Fort Clark in compliment to the leader of the expedition. The fort was practically unguarded and was taken without resistance. The other divisions of his forces, in accordance with their instructions, then moved against the town which they had surrounded and it was soon within their hands, without the shedding of a drop of blood.

Rocheblanc, the British Commander, with a French name, was taken in his private chambers, where were found written instructions to the Indians inciting them to deeds of savage cruelty and offering rewards for the scalps of white persons. Those English people of today who enjoy writing and printing criticisms upon the people of our country might more profitably employ their time in explaining why the officers of their army incited savages to the murder of those who, of their own blood, had become citizens of the new land beyond the seas and who sought to make here the homes for their wives and children denied them in the land of their nativity and that of their fathers.

Colonel Clark, to impress the people of Kaskaskia, who had been taught to believe that the men of Virginia and Kentucky were but savages, as were the Indians, ordered his men to patrol the town, yelling and whooping as did the savages. This artifice had its desired effect and the simple people were sufficiently overawed.

From his scouts and spies, whom he had sent out, Colonel Clark learned that there was a considerable body of Indians near Cahokia, about sixty miles up the Mississippi. While deliberating upon an attack upon Cahokia, Col. Clark was waited upon by M. Gibault, the French priest of Kaskaskia, and a delegation of its citizens, who begged of him that the rights of property be respected, that they be not separated from their wives and children,

and that sufficient clothes and provisions be left them for future support.

To these appeals, Col. Clark replied: "You must mistake us for savages from your demeanor and language. Do you think that Americans would strip the clothing from women and children; separate them from husbands and fathers and take the bread out of their mouths? We do not make war with such atrocities. It was to prevent our own women and children from horrid butchery by Indians that we have taken up arms and penetrated this distant stronghold of British and Indian barbarity, and not the contemptible prospect of plunder. I bear to you a message of surprise that I hope may be pleasing to all. You have not lost your love for your native France, whose dominion over this territory you reluctantly exchanged for that of England by the treaty of Paris in 1763. That France, which was your patriotic first love, and for which there must ever remain a lingering pride and affection in the breast of every Frenchman, native born and true, has now, by another treaty with the Americans, made herself an ally with us in this cruel war that England wages against us. The French king has now united his powerful arms with those of America and the war, in all probability, will soon be terminated in our favor. You are at liberty to choose whichever side you please, and we will not molest you nor interfere with your religion, for it is the religion of many Americans. I am convinced that you have been misled by the statements of British officers and prejudiced against us; and, am satisfied that we should be friends and not enemies. I shall order the immediate release of your friends and announce to you that all are privileged to go where and do as they please in the future."

The delegation withdrew and the statement of Colonel Clark having been made public, there was great rejoicing; bells were rung and the people gave thanks and praises to God for their unexpected deliverance from an expected and dreaded captivity.

Having undisputed possession of Kaskaskia, Clark next sent Capt. Bowman to capture Cahokia, a French settlement not far from the present site of St. Louis, which was easily done, no resistance being offered by the French inhabitants, who with those of Kaskaskia had no love for the English, and subsequently proved of great assistance to Colonel Clark in his following operations against Vincennes.

Soon after capturing the garrison at Kaskaskia, Clark sent that fine old pioneer and scout, Simon Kenton, to the Ohio Falls, with dispatches announcing his success, directing him, in the meantime, to ascertain, while on his way, the exact condition of the British post at Vincennes. This service was properly performed and after six days, three of which had been spent in Vincennes, Kenton sent back a message to Clark that the inhabitants were mostly French and inclined to accept the authority of the Americans. Father Gibault, the Catholic priest at Kaskaskia, had visited Vincennes, and his report of the conduct and sentiments of Colonel Clark and his men at Kaskaskia tended to bring the people of Vincennes to his support. When Gibault left Kaskaskia for Vincennes he was accompanied by an influential citizen of the former post, Jean Lafort, who was to act as a political agent, and Lieutenant Leonard Helm, who was to take over the military command of Vincennes in the event of its peaceful surrender.

When Father Gibault had made known to the people the conduct of Colonel Clark and his men at Kaskaskia, and had explained the alliance of their native land, France, with the Americans in opposition to England, the people of Vincennes held a meeting in which they threw off the allegiance they had hitherto unwillingly borne to England, and raising the American flag above the fort, took the

oath of allegiance to Virginia. Abbott, the British Governor of the post, was absent in Detroit, and his subordinates lost no time in leaving the country. The Indians, surprised by the sudden shifting of authority which they could not understand, were told that their old father and friend, the King of France, had come to life again; that he was angry with them for joining with the English in warfare, and that if they did not wish a desperate warfare in their land, they should be at peace with the new people who had come among them.

One of the first incentives to the expedition of Colonel Clark to the country beyond the Ohio River had been to make peace with the Indians for the protection of the scattered and struggling people in Kentucky. To accomplish this, after securing possession of Kaskaskia, Cahokia and Vincennes, he held conferences with the Indians, reporting in the meantime, after his military successes, that "our influence began to spread among the nations (Indians) even to the border of the States." The Indian of that day, as of this, respected power and had an admiration for the man who did things, which was a distinctive characteristic of George Rogers Clark. At the end of five weeks of negotiation which was, in the main successful, Colonel Clark leaving Capt, Bowman in command at Vincennes, returned to Kaskaskia. The period of enlistment of certain of his troops having expired, these were ordered back to the Falls of the Ohio, under command of Capt. William Linn, who was directed to establish a fort at the Falls.

Col. Henry Hamilton, the acting English Lieutenant Governor at Detroit, learning of the success of Colonel Clark in the Illinois country, began immediate preparations to recapture that territory and drive Clark and his brave followers back again to the southern banks of the Ohio. Hamilton was especially hated by the men with Clark, by reason of his having offered to the Indians a money prize for the scalps of white persons among the early settlers of the new country. Colonel Clark shared this feeling and always referred to Hamilton as "the hair-buyer." Writing to Governor Patrick Henry from Kaskaskia, February 3, 1779, he thus refers to Hamilton and his own plans:

"A late maneuver of the famous hair buyer, Henry Hamilton, Esq., Lieutenant Governor of Detroit, hath alarmed us much. On the 16th of December last, he with a body of 600 men, composed of regulars, French volunteers and Indians, took possession of St. Vincent on the Wabash and what few men that composed the garrison, not being able to make the least defense. * * * Yesterday I fortunately got every piece of intelligence that I could wish for by a Spanish gentleman that made his escape from Mr. Hamilton. No attack is to be made on the garrison at Kaskaskia until the spring. Being sensible that without reinforcements, which, at present, I have hardly a right to expect, I shall be obliged to give up the country to Mr. Hamilton without a turn of fortune in my favor, I am resolved to take advantage of this present situation and risk the whole in a single battle. I shall set out in a few days with all the force I can raise of my own troops and a few militia that I can depend upon, amounting in the whole to only 170 men. * * * I know the case is desperate but, Sir, we must either quit the country or attack Mr. Hamilton. * * * In case we fail, this country and, I believe, Kentucky is lost."

Hamilton had 600 men; Clark had 170, but there was no hesitancy upon the part of the gallant American soldier. He had come to the parting of the ways. Either he or Hamilton must go. There was not room enough for both of them in the Illinois country, and the intrepid Clark determined that he would not go without one final struggle. To others and it may have seemed so to Colonel Clark,

there was but a forlorn hope that he would succeed and in that success win the Illinois country and what was equally or more important, the fair Kentucky for which he fought.

February 5, 1779, Clark and his intrepid little army—think of an army of but 170 men, in the enemy's country, a thousand miles from support or succor!—left Kaskaskia for their march to Vincennes one hundred and seventy miles distant, across uncharted plains, across icy streams in mid-winter. These men under Clark were of the stuff of which heroes are made, and it follows, as doth the night the day, that their descendants in Virginia and in Kentucky in later days and on other fields, wrote the imperishable record of the American soldier, than whom no better soldier follows now, nor has ever followed, the flag of any other country under the sun.

Previous to beginning his march, Colonel Clark had ordered Captain Rogers, with forty-six men and two four pounders, to proceed up the Wabash to the mouth of White river, there to await further orders. In the meantime, the land forces proceeded upon their way facing almost inconceivable hardships and dangerous delay. Wading through icy waters filled with floating ice which buffeted them at every step, they, like the Irish troops at Fontenoy, went "ever right onward still."

Colonel Clark at their head, mounted on what has been described as "the finest stallion in the country," cheered his men, shared their sufferings and refused other than the scant rations on which they subsisted. From the diary of Bowman, under date of February 23d, the following extract is taken showing the difficulties encountered and overcome by as intrepid a body of American volunteers as ever marched to battle: "Set off to cross the plain about four miles long, all covered with water breast high. Here we expected that some of our brave men must certainly perish, having frozen in the night and so long fasting. Having no other resource but wading this plain or rather lake of waters, we plunged into it with courage, Colonel Clark being first. In the midst of this wading rather than marching, a little drummer boy who floated along on his drum, afforded much of the merriment that helped to divert the men from their hardship."

Of this intrepid little drummer boy, who had better been at his mother's knee, Colonel Clark says in his "Memoirs:" "A drummer boy, the pet of the regiment, was placed on the shoulders of a tall man and ordered to beat for his life. I halted and called to Major Bowman to fall to the rear with twenty-five men, and put to death any man who refused to march as we wished to have none such among us. The whole command gave a cry of appreciation and we marched on."

It is to the everlasting honor of these gallant men that not only did Bowman have no occasion to execute the command of his strenuous commander, but that the men gave to that order "a cry of appreciation." Those were nation builders who followed Clark, from the little drummer boy to the last private in the ranks, and the name of every one of them is worthy to be inscribed in the highest records of their country's history. It is a matter for regret that those names cannot now be given on this page, there to endure forever as a heritage for their descendants and an example worthy of the emulation of every American volunteer soldier.

When Colonel Clark had arrived within a few miles of Vincennes, knowing that an alarm would necessarily be given before he could attack the fort, he decided to use diplomacy. Knowing most of the people of Vincennes to be friendly to the Americans, he sent a messenger to them with the following address:

"To the Inhabitants of Vincennes:—Gentlemen: Being now within two miles of your village, with my army determined to take your fort this night,

and not being willing to surprise you, I take this method to request of such of you as are true citizens and willing to enjoy the liberty I bring you, to remain still in your houses—and those, if there be any, that are friends to the king, will instantly repair to the fort and join the hair-buyer general and fight like men. And if any such as do not go to the fort shall be discovered afterward, they may depend upon severe punishment. On the contrary, those who are true friends to liberty may depend upon being well treated, and I once more request them to keep out of the streets. For every one I find in arms on my arrival I shall treat him as an enemy."

"(Signed) GEORGE ROGERS CLARK."

This proclamation caused the people of Vincennes to believe that the threatened attack was to be made by an army that had just come from Kentucky, as they considered it impossible that a force from the Illinois country could appear before their town in midwinter, so great were the obstacles in the shape of water and ice to be overcome. Terrified by the proximity of this new force as they deemed it, and unaware of the size of the "army" to which Colonel Clark had referred in his proclamation, not even the sympathizers with the English made known to the fort the near approach of the American forces.

Making his appearance before the fort, Colonel Clark so completely surprised Hamilton that the latter surrendered without an effort at defense.

In the afternoon of February 24, 1779, the following articles of capitulation were agreed to:

"First.—Lieutenant Colonel Hamilton engages to deliver up to Colonel Clark, Fort Sackville, as it is at present, with all stores, etc.

"Second.—The garrison are to deliver themselves as prisoners of war and march out with their arms and accouterments, etc.

"Third.—The garrison to be delivered up tomorrow at 10 o'clock.

"Fourth.—Three days' time to be allowed the garrison to settle their accounts with the inhabitants and traders of this place.

"Fifth.—The officers of the garrison to be allowed their necessary baggage, etc.

"Signed at Post St. Vincent (Vincennes), February 24, 1779."

"Agreed for the following reasons: The remoteness from succor; the state and quantity of provisions, etc.; the unanimity of officers and men in its expediency; the honorable terms allowed; and lastly the confidence in a generous enemy.

"(Signed) HENRY HAMILTON,
"Lieutenant Governor and Superintendent."

Early in the morning of the next day, February 25, 1779, the surrender was consummated; the arms of the garrison secured; the British flag hauled down; the American flag raised in its place and the name of the fort changed to Fort Patrick Henry in honor of the Governor of Virginia who had authorized and enabled Colonel Clark to start upon the dangerous mission that day crowned with success.

A portion of the prisoners were paroled, but in March, Hamilton and others of the garrison were sent as prisoners of war to Virginia. Hamilton was confined at the capital, Williamsburg, until October, 1780, when he was paroled and sent to New York. It is to the credit of the Americans that, though Hamilton was the author of the brutal offer of money for the scalps of those in opposition to English authority, there is nowhere a record of any indignity being offered him while in captivity, though the terms of that atrocious offer were sufficient to have removed him beyond the pale of recognition by any save those with the same brutal instincts as his own.

Two days after the surrender the boat "Willing" with its forty-seven men under command of Captain Rogers, arrived at Vincennes, after being delayed by the swift current of the Wabash. Accompanying this party was a messenger from Virginia who bore to Clark and his associates the thanks and congratulations of the assembly on the success that had attended his expedition to

the time when it was last heard from in Virginia. This messenger also bore two commissions, one of which promoted Clark from Lieutenant Colonel to Colonel, and Bowman from Captain to Major, a deserved honor in each instance to men who had surely deserved well of their country.

Thus ended the most momentous campaign against the English and their Indian allies that has ever illumined the history of our country. Col. George Rogers Clark had not only protected Kentucky and saved it from the ravages of the Indians but he did more even than this. He had added to the domain of his country a magnificent territory out of which have since been carved the States of Ohio, Indiana, Illinois, Michigan, Wisconsin and that part of Minnesota lying on the eastern shore of the Mississippi river. But for Clark and his genius and the indomitable spirit of himself and his men, that great territory would have been left as a possession of England and for aught the historian of today can say, may have remained to this day a portion of Canada. This is mere speculation; it is a certainty that Clark removed the territory in question from the realm of uncertainty into that of fact.

Clark chafed under his inability, for lack of men and supplies, to reduce Detroit and Sandusky which he recognized as the bases of supplies, the heart of English occupancy and the points from which emanated the offers and inducements leading to Indian atrocities. "Had I been able to raise only 500 men," Clark afterwards stated, "when I first arrived in the country; or, when I was at St. Vincent (Vincennes) could I have secured my prisoners and have had only 300 men, I should have attempted it" (meaning the capture of Detroit and Sandusky). But he did not have the needed men and was forced to relinquish his plans.

Captain John Todd soon arrived in the captured territory to assume the governorship, after which Colonel Clark, after sending a courier to Virginia with dispatches for Governor Henry and Thomas Jefferson announcing the complete success of the expedition, left the great domain he had won for his country and returned to the Falls of the Ohio.

CHAPTER XII.

Boone Captured—Self-Sacrifice for Others—Taken to Detroit—Adopted into Indian Tribe—Escapes—Reaches Boonesborough—Goes Indian Hunting—Surrender of Fort Demanded—Refuse to Surrender—French Attempt Deception—Mines and Countermines—The Siege Raised—Incidents of Siege.

While Clark was engaged with his vast schemes looking to the conquest of the northwest and the driving therefrom of the English and their savage allies, events of moment were occurring in Kentucky.

In February, 1778, Daniel Boone and a party of thirty men were at the Blue Licks, on the Licking river, engaged in making salt for the settlements. Wandering in search of game from the camp of his associates, Boone was captured by a party of more than one hundred Indians who were en route to Boonesborough for an attack upon that station. It is probable that they had learned, through some of the means known only to the savage, that Boone was absent from the station and judged this to be an auspicious moment for an attack. Boone, in his autobiography, says that he was made a prisoner on February 7, 1778, which is probably the correct date. Of his captivity and his captors he writes: "They brought me on the 8th day to the Licks, where twenty-seven of my party were, three of them having previously returned home with the salt. I, knowing it was impossible for them to escape, capitulated with the enemy, and, at a distance, in their view, gave notice to my men of their situation, with orders not to resist but surrender themselves as captives."

The men at the Licks obeyed Boone and soon joined him as captives. It is assumed that Boone knew the fort at Boonesborough not to be in condition for a siege and hoped, by offering himself and his men as hostages, the threatened attack might be averted. Had he not done this, Boonesborough must have fallen. Marshall, in his history of that period, perhaps correctly says: "Had the Indians, after taking Boone and his men prisoners, instead of returning home with their captives, marched on to Boonesborough they might either have taken the place by surprise or, using the influence their prisoners conferred on them, compelled a surrender of the garrison and, progressively acting on the same plan, it is probable that the two other forts would have fallen in the same way, and from the same advantage. It is hardly presumable that even if they had escaped surprise, they would have resisted a summons to surrender which might have been enforced by the massacre of the prisoners under their eyes."

Boone, knowing these matters intuitively, offered himself and his comrades willingly upon the altar of sacrifice in order that he might save the people of the three stations from death or capture and the women therein from a worse fate than any death had to offer. He proved himself now, as ever before and after, the intrepid pioneer and sol-

dier ready to meet every emergency, to dare every fate regardless of the effect upon himself. He was a man.

Of the men who were prisoners with Boone, one (Stephen Hancock) escaped and made his way to Boonesborough where he made known the capture of Boone and the condition of the prisoners. Hancock, a gallant soldier of the frontier, was later the founder of a station in what became Madison county, which station bore his name. He was a gallant man, a frontiersman born, and left his impress upon the new country as one of its most intrepid Indian fighters.

Boone correctly judged the future movements of his captors. Elated by their unexpected success in the easy capture of so many prisoners without loss to themselves, they abandoned the march upon Boonesborough and countermarched upon their own undisputed territory.

In March, Boone and ten of his men were taken by the Indians to Detroit, a British garrison commanded by that same Colonel Hamilton to whom Colonel Clark referred as "the hair buyer," and whom he subsequently captured, as has been seen, at Vincennes. Hamilton treated his captives with humanity and civility, going so far as to offer the Indians a ransom of one hundred pounds for the release of Boone, at the same time assuring the latter that it was his intention to release him on parole. But if Hamilton, from whatever cause, had become attached to Boone, so also had the Indians, who vastly admired his skill as woodsman and hunter and refused to consider any terms of ransom. Boone, while naturally anxious to escape captivity, was much exercised by the failure of Colonel Hamilton's plan for his release. He had pretended, through motives of policy, to be entirely content and to find pleasure in the midst of his new surroundings with the Indians, and was fearful of exciting their suspicion by any showing of interest in the offer of Hamilton. It is related that while at Detroit, several English gentlemen, perhaps attracted by his personality and sympathizing with his condition, offered loans of money to Boone, but, since he saw no present probability of an opportunity for repayment, he declined their generous offers. After a time Boone went with his captors to Chillicothe, leaving his ten comrades still prisoners at Detroit.

Arriving, after a march of fifteen days, at Chillicothe, Boone was speedily adopted as a son by one of the principal families of the Indians at that point. In addition to being one of the first of pioneers and among the bravest of Indian fighters, Boone was also a philosopher and proceeding upon the theory that what cannot be cured must be endured, he accepted the situation and submitted to all that was offered him by his captors with a seeming good grace. The ceremony of adoption must have appealed to whatever sense of the ludicrous he may have had, though it is difficult to imagine the possession of such a sense by a man so sternly engaged in the realities of frontier existence. Peck's "Life of Boone" describes the incidents of adoption as follows:

"The forms of this ceremony of adoption were in keeping with the nature of the savages and as severe as they were ludicrous. The hairs of the head and the beard were plucked out by a painful and tedious operation, one by one, excepting a tuft some three or four inches in diameter on the crown for the scalp lock, which was tied and dressed up with trinkets and feathers. The candidate was then taken into the river in a state of nudity and there thoroughly washed and rubbed, to take all his white blood out. This ablution, as well as the previous processes described, was performed by Indian women."

When the ablution was completed to the satisfaction of these Indian ladies, Boone was conducted to the council-house where he lis-

tened to an address from the chief, in which he was informed as to the great honors conferred upon him. His head and face were then painted in the hideous savage style, at the conclusion of which Daniel Boone "the brave old pioneer" emerged in full panoply, as "a big Injun," it being assumed that he had been permitted to resume his customary raiment after the completion of his involuntary bath.

These Indians knew Boone; they knew his prowess as a hunter and as a fighter; they knew that alone and unguarded he had wandered through the wonderful wilds of Kentucky, and they imagined that in him they had discovered one who was a kindred spirit with themselves. Therefore they thought it an easy task to identify him with their tribe; to make him one of them and to have the benefit of his unusual skill as a hunter and his gallantry as a fighter. Boone knew these views of the Indians and, in his role as a philosopher, seemingly fell in with them. But his heart was with those back at Boonesborough and he bided his time; cautious, watchful, resourceful, he waited for his opportunity. It was the custom in the Indian tribes of that day to provide the man whom they adopted with a squaw to build his fires, prepare his food and perform such other duties as may be required by her lord and master. It is not known if this custom was adhered to in the case of Boone. When he finally returned to civilization, Daniel, who was then fifty years old, made no mention of any such incident. If the most interested party elected to remain silent on the subject, history can be generous and do the same without further comment. Certain it is that no blandishment of Indian maiden, no kindly treatment by his captors, could wean Boone from his love of liberty and the fellowship of his own people. His mind was ever on an escape and a return to his family in Kentucky.

Late in June of this year, 1778, a party of Indians visited the Scioto Salt Lick in Ohio and Boone was with them. Returning to Chillicothe, Boone found over four hundred warriors full panoplied for warfare and about to set out for the capture and destruction of Boonesborough. Now or never, was the time for him to escape and warn the Kentuckians of the coming danger. It is a reflection upon the Indian, usually over-cautious and suspicious, that Boone under such circumstances, was permitted to go out alone ostensibly for the purpose of hunting. That hunting trip covered a large expanse of territory in Ohio and Kentucky to which latter Boone set his course. Marshall in his history, says: "So great was his anxiety that he made no attempt to kill anything to eat. The journey of one hundred and sixty miles was performed in five days upon a single meal of victuals which he had concealed in his blanket." This is a somewhat surprising statement, requiring one to believe that Boone, practically without sustenance, made his way through a trackless forest, crossing the Ohio river en route, at a rate of more than thirty miles per day.

Be that as it may, the important feature is that Boone reached Boonesborough on June 20th, finding the place but poorly conditioned for defense, but setting about at once to prepare for the expected attack. The return of this master mind to their counsels put new heart and life into the garrison and the necessary repairs were speedily made. Another prisoner, escaping from the Indians later than Boone, brought to the fort the intelligence that owing to the escape of the latter the threatened attack had been postponed for three weeks. The Indians had their spies in Kentucky and must have learned from them that the forts had all been strengthened to resist attack and their garrisons reinforced. This knowledge, together with the escape of Boone, may have operated to delay their threatened attack.

As the Indians did not come to hunt for Boone, the latter concluded to go out and hunt for them. Accordingly on August 1st, with nineteen men, he set out from the fort, his objective point being Paintcreektown, on the Scioto, which he proposed to surprise and capture. Simon Kenton was one of this party. When nearing the Indian encampment which it was proposed to attack, Kenton heard loud peals of laughter from a canebrake near him. He quickly concealed himself behind a tree just as two Indians came into view mounted on a pony one facing to the rear, the other to the front. It was their laughter Kenton had heard and which was speedily changed to the death moan. From his place behind a tree, Kenton fired instantly killing one of the Indians and severely wounding the other. Following the savage custom of that day, he rushed out to scalp the Indian whom he had killed, when he was suddenly surrounded by some thirty Indians. Dodging from tree to tree to escape their aim, he was only saved by the prompt arrival of Boone and his men who attacked and drove off the savages.

Spies were now sent forward to the vicinity of the town, who, on their return, reported that it was evacuated. Boone's generalship here came into play, and he reasoned correctly that the threatened attack on Boonesborough was about to be made. He thereupon determined to return as speedily as possible to that place, hoping to reach Boonesborough in advance of the Indians, thus giving warning to the garrison and allowing time for preparation to withstand the expected attack. Six days afterwards he passed the main body of the savages and on the seventh arrived safely at the fort.

On the following day the Indians, under command of Captain Duquesne, eleven other French Canadians and some of their own chiefs, appeared before the fort four hundred strong, and with the flag of England flying over their headquarters. It was thus, in those early days that our English cousins "reached hands across the sea" to their kindred on this side.

This was the most formidable force any Kentucky fort had been called upon to resist, but there was no weakening before it. Boone was cool and collected. When a summons came demanding a surrender in the name of King George III, he asked for two days' time in which to consider it, which request was granted. A council was called and there were not fifty men to attend it. But those were men indeed. They could make a manly defense and die fighting for the women and children in the fort, or they could surrender and become the victims of savage barbarity. They did not hesitate but determined to hold the fort while life remained among them. The result of their deliberations was kept secret among those in the council. It is recorded in history that after the adjournment of the council each man went out to collect and bring into the fort such of his horses and cattle as could be found. How this was possible, with the fort surrounded by four hundred hostile Indians, no previous historian has found time to explain. This present historian also finds himself pressed for time.

At the expiration of the two days granted by the besiegers Boone mounted a bastion of the fort and announced to Duquesne that there would be no surrender of the fort, at the same time politely expressing his appreciation of the notice of the proposed attack and the time thus allowed him to prepare for defense. Duquesne had evidently expected a different response to his demand for a surrender, but, before beginning an attack, determined upon an artifice to decoy Boone and others of the garrison to the outside where he hoped to have them in his power. He thereupon declared that it was the order of Colonel Hamilton that he should take the garrison captives, treat them as prisoners of

war and not to rob or kill them. He asked that nine of the principal men would come out, as he was prepared to treat with them. Boone, usually very cautious, agreed to this proposal and met the enemy at a point sixty yards from the gate of the fort. Boone was prepared to treat fairly with Duquesne; the latter meant only treachery. The articles of capitulation, few in number, were speedily considered, agreed upon and signed in the presence of a number of Indians who stood moodily looking on. Treachery now took its place where fair promises had hitherto been made.

Boone was told by the leaders of the attacking force that it was customary on occasions of this character, to show the sincerity of their minds by two Indians shaking each white man by the hand. This being also assented to, two Indians approached each of the nine white men and sought to take his hand and at the same moment make him a prisoner. Boone and his companions at once knew that only immediate flight would save them from captivity and the garrison from destruction. They pulled away from the Indians and as quickly as possible made their way into the fort followed by a hail of bullets from the savages from which all escaped in safety save one man who was wounded. Failing in this miserable subterfuge which it is charitable to believe was born in the brain of the French commander rather than that of the Indians whom he led, the beleaguerers began a concentrated fire upon the fort, continuing for nine days, Boone's men returning it with interest.

Then the work of the educated Frenchmen, who should have been ashamed of their service with the Indians, began. They attempted to undermine the fort which was about sixty yards from the bank of the Kentucky river. The mine was begun in the bank of the river and it was expected by the engineers that, if successfully carried forward, it would result in the surrender of the garrison or its complete destruction. These were the pleasing conditions surrounding the men who made possible the Kentucky of today. Confronted by an implacable savage foe, the pioneers had, at the same time, uneducated as they were, to meet and circumvent, if they could, the efforts of skilful engineers to work their destruction. They met them and they beat them. They stopped not to inquire as to any man's politics, as men do today; they saw that they and their families were in danger and they struck to save them, and they did save them. It mattered little to these men if those who stood by their side and aided in driving away the Indians, belonged to Transylvania, or declared allegiance to Virginia. They fought for home and fireside; for wife and little children, and they won. How pitiful the struggles of those who fight the partisan battles of today as compared with the struggles of those who risked life and liberty that we of today might have the privilege of choosing our representatives and branding those of our fellow-citizens who do not agree with us as public malefactors.

The French engineers accompanying the Indians, introduced here a system of warfare unknown to their savage allies and, in fact, to the besieged colonists. They began a mine on the bank of the river on the completion of which they hoped to gain an entrance to the fort unawares. But there were some born engineers in the fort; men unskilled in the minutiæ of warfare, but with perceptions as clear and keen as the eye of the hawk who circled above their beleaguered fort. They observed that the river below the fort ran muddy and at once recognized the reason therefor. A mine was being dug and the earth removed muddied the waters. They countermined at once and in order that their enemies on the outside might know that their plans were understood, they threw the earth from the countermine over the ramparts to the outer

side. Who shall say that these beleaguered pioneers were not born soldiers and engineers?

The forces attacking the fort recognized that strategy would not win the day; the nine days firing on the fort had brought no results and they therefore raised the siege and withdrew from further attack.

This was the most formidable attack that had been made upon the Kentucky settlements and that it had been successfully resisted by so small a party, put new heart into the people at the other forts. During the siege but two men of the defenders were killed; of the Indians, thirty-seven were killed within sight of the defenders of the fort and many others wounded, the latter being immediately removed in accordance with the Indian custom.

Smith, in his "History of Kentucky," relates the following incidents of the siege from the manuscript of Gen. Robert B. McAfee, related to the latter by persons in the fort: "Accordingly, as expected on Monday morning, August 8th, by sunrise about four hundred and forty-four Indians appeared on the hill facing the fort commanded by Capt. Duquesne, a Frenchman. They paraded with colors flying (British) in two lines, so as to show their whole strength and terrify the fort into submission. The Indians were at particular pains to appear in as frightful a manner as possible, as they had all painted themselves in various colors streaked with red. After showing themselves for some time, they set up a most hideous yell and brandished their guns. Only twenty-nine men were in the station (elsewhere they had been stated as fifty) who, though fine soldiers, felt a chill of horror at the sight of an enemy so numerous and so powerful. Soon after a large negro man, who could speak English, stepped about forty yards in front of the Indian line toward the fort and called three times, as loudly as he could for 'Captain Boone,' and stated that if he would come out they would not hurt him. The men in the fort held counsel on the proposition, a number opposing his going out. Boone put an end to the debate by determining to go; prepared himself with a pipe and flag and went out alone, leaving directions if they saw the Indians imprison him, they should shut the fort and defend it to the utmost. For a sign to his men he would strike his flag if danger presented itself. After a conference of an hour, he returned to the fort and related the result and their imminent danger. The Indians wished him to surrender the fort and they would permit him and his associates to escape unhurt. To this proposition, he seemed to assent, in order to amuse the Indians, well knowing that in the then situation of the fort, they could take it by storm. Boone, pretending to accede to their demands, promised to return the next day and inform them of the result of the conference, saying he had no doubt the fort would be given up.

"During the night the men spent their time in fortifying the place by fastening the gates with bars, but for which the Indians might easily have forced the gates. Next day Boone returned to the Indian camp and informed them that all of his men, but a few, were willing to surrender, and he believed they would soon assent, seeing they had no means of escape; but if they did not give up, he, himself, would provide for the surrender. He left them, promising to return the next day, first agreeing to have a feast then, at which the Indian chiefs were to be present and most of the principal men of the fort. The time thus gained was diligently improved in the fort by making every preparation possible. Things were made ready for the feast in a hollow in sight of the fort, whither both parties were to repair. Accordingly, Boone and five or six of his men went out. After eating, the Indians began the conference for a surrender which Boone seemed to agree to;

but, either suspecting his sincerity or desirous of drawing the men out of the fort, in order to massacre them as soon as the conference was over, it was proposed and agreed that two Indians should shake hands with one man. They accordingly rose up and one Indian took hold of the hand on one side and another on the other side. The first that got hold, being impatient, tried to throw Boone down. But the whites, suspecting all things were not right, broke their hold, threw down some of the Indians and ran towards the fort, while they were fired upon by a party of Indians in ambuscade who killed one white man and wounded two others. The balance of the whites got safely into the fort, having considerable difficulty to run through the Indians in several places, they having planted themselves all around, and as soon as the first gun fired, came pouring from all directions with the most hideous yells.

"When the Indians found that they could not take the fort by storm, they secreted a chosen band under the bank of the Kentucky river and then appeared and made battle in great numbers on the opposite side. They then affected to retreat in great disorder, so as to induce the whites to follow. The latter, suspecting the ruse, kept close to the fort, for Boone, in all his conferences with the Indians, represented the number of his men five times greater than he really had. When the Indians found their affected retreat would not do, they all returned and attempted to undermine the houses by beginning under the bank of the river and digging toward the fort. In this they had not the success they expected, for a drizzling rain set in which lasted for two or three days. They mined to within fifteen or twenty steps of the houses to where a large log lay, behind which they endeavored to hide. The men in the fort frequently killed Indians as they came to and returned from the mine. After all, the Indians would have captured the fort but for the constant rain for several days. The Indians took advantage of the night to make their advances. One night, about the seventh after they came, they pitched torches of cane and hickory bark against and upon the fort, which would inevitably have consumed the whole place had the fire caught readily, but the logs being wet, no impression was made before it was discovered by the whites and extinguished with considerable trouble. The night being extremely dark, the Indians made every possible effort to reduce the fort and set it on fire.

"They continued to undermine during the next day, but finding they were discovered and countermined, they gave over and next day paraded and withdrew, having already slain all the cattle they could find and destroyed all the property they could reach. They retreated leisurely, the whites being too weak to pursue.

"After the siege was raised, the people picked up near the fort walls one hundred and twenty-five pounds of leaden bullets which had fallen, besides those which had stuck in the logs and palisades. This seems to have been the last effort ever made by the Indians against Boonesborough. It illustrates the imbecility of physical force, destitute of knowledge and the arts. For what military enterprise could have been easier, to men knowing how to make ladders, than scaling a wall of stockades twelve feet high, or mounting on cabin roofs not even so high; when their numbers were six times greater than those within; and, when, as was the case, the assailants were armed with similar weapons, and especially with the tomahawk in their hands, and, face to face, a most formidable weapon? That no attempt was made to take the place by storm, or escalade, seems the more astonishing on considering that the French Commander Duquesne must have possessed some of the arts of civilized warfare and was apparently desirous of conquest.

Was it that he had not the requisite tools and artificers, or was he unwilling that his host of myrmidons should be let loose among the helpless women and children, that he did not point out to them a certain road to victory and to an indiscriminate massacre as the consequence? History could gain little, while humanity might lose much by a solution of this inquiry.

"During Boone's captivity among the Shawnees, his family, supposing he had been killed, had left the station and returned to their relatives and friends in North Carolina, and as early in the autumn as he could leave, the brave and hardy warrior started to move them out again to Kentucky. He returned to the settlement with them early the next season, and set a good example to his companions by industriously cultivating his farm and volunteering his assistance, whenever it seemed needed, to the many immigrants who were now pouring into the country and erecting new stations in the neighborhood of Boonesborough.

"As some adverse criticism had been made on the surrender of the salt-making party by Boone, by an agreed arrangement, and with Boone's approval, a court-martial was called for an investigation of charges exhibited by Colonels Richard Calloway and Benjamin Logan. The result was an honorable acquittal and the increase of Boone in the esteem and affections of the people."

CHAPTER XIII.

Corn Islanders Removed to Mainland—First Settlers of Louisville—Hard Winter of 1779-80—Louisville Certain—Clark Erects Fort Jefferson—Successful Invasion of Enemy's Country—Northwestern Indian Confederation—Indians, under Girty, Defeated—Gallant Women of Bryan's Station.

Returning from his successful operations in what had been hitherto the enemy's country but which he had wrested from them, Colonel Clark, on his arrival at the Falls of the Ohio, found that many and great changes had occurred during his absence. Encouraged by news of his victories, immigrants flocked to Kentucky, eager to secure homes. During 1778 but two new settlements had been made in Kentucky, but in 1779 no less than fourteen new establishments were founded before his return to the Falls.

The little settlement he had established on Corn Island, before his departure to the Illinois country, had been sensibly augmented by members of the party of men whose terms of enlistment having expired, he had sent back under command of Capt. William Linn. He had also instructed Linn to remove the people from Corn Island to the mainland where he was to erect a permanent fort above the Falls. This work was entrusted to Richard Chenowith, who had so expeditiously performed his task that by Christmas Day, 1778, a number of the families had removed from their cramped quarters on Corn Island to the more commodious homes on the mainland. Here they celebrated the Christmas season in their new cabins at the foot of what is now Twelfth street in the city of Louisville, with a feast and a dance. The belles and beaus of Louisville of today who can dance only on splendidly waxed floors derive not half the pleasure from the dance that was enjoyed by their ancestors on the puncheon floors of their primitive log cabins, in honor of the day and of Richard Chenowith, the honest contractor, who, knowing not graft, had erected their cabins in accordance with his contract. The music for the dance was furnished by a single fiddle played by a negro named Cato. It is related that when the date for the affair was fixed, Cato's fiddle-strings had dwindled to but one, from which he could coax but indifferent music, and he was in despair. Before the date of the dance arrived, however, a boat tied up at the Falls and among its passengers was a Frenchman, like himself a fiddler (or violinist, as he would probably have preferred to be called), and from him Cato secured the necessary complement of strings for his fiddle, and was therefore enabled to furnish forth the musical feast for the dancing belles and beaus of the Falls.

In Smith's "History of Kentucky" is given the following list of names of those who were in attendance at the celebration, though it is difficult to imagine any of the residents of the vicinity being absent: "Richard Chenowith, his wife, Hannah, and their four children, Mildred, Jane, James and Thomas.

"James Patten, his wife Mary, and their three daughters, Martha, Mary and Peggy.

"John McManus, his wife Mary, and their three sons, John, George and James.

"John Tuell, his wife Mary, and their three children, Ann, Winnie and Jessie.

"William Faith, his wife Elizabeth, and their son, John.

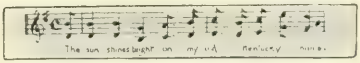
"Jacob Reager, his wife Elizabeth, and their three children, Sarah, Maria and Henry.

"Edward Worthington was with Clark in the Illinois campaign, but his wife, Mary, his son Charles and his two sisters, Ann and Elizabeth, were at the Falls and at the dance.

William Foster, Samuel Finley, Neal Doherty and Isaac McBride were detailed by Clark to guard the military stores on Corn Island and thus became parties to the first settlement of Louisville."

Those who have noted carefully the above list will have found therein the names of some of the honored progenitors of the old families yet resident in Louisville. Those whose fancy has led them to the bestowal upon their children of fanciful and unusual





"James Graham was also with Clark, but his wife Mary, was at the Falls.

"John Donne was with Clark, but his wife Mary and their two sons, John and Charles, are believed to have been at the Falls at the time.

"It has also been claimed that Isaac Kimbly and his wife, Mary, were among the first settlers at the Falls.

"In addition to these, Captain Isaac Ruddle, James Sherlock, Alexander McIntyre,

names, may be struck by the frequent recurrence in the list of that beautiful name, Mary. Our forefathers and mothers ordered many things very wisely in their day.

Colonel Clark had other than social events to claim his attention on his return. He held firmly to the opinion that until Detroit and Sandusky were taken and the British garrisons captured or driven from the northwest, there would be a continuance of Indian warfare. Instigated by promises of bribes and

plunder made by English officers and agents, bands of Indians roamed through Kentucky, murdering here, plundering there; and it was necessary to the safety of the settlers and that of the entire territory that these outrages should be brought to an end.

The winter of 1779 was one of intense cold and there was much suffering in the rude homes of the settlers, in addition to that caused by the Indians. All streams were frozen over for months, and supplies ran so short that they could be obtained only at the most extravagant prices. The price of corn ranged from fifty dollars to one hundred and seventy-five dollars per bushel, but it must be understood that payment was made in the much depreciated Continental currency. Those familiar with the value of Confederate currency during the later years of the War Between the States, can best appreciate what is meant to pay $175 for a bushel of corn in Continental money.

Trabue in his "Autobiography and Diary" says: "The hard winter began about the 1st of November, 1779, and broke up the last of February, 1780; the turkeys (wild) were almost all dead; the buffaloes had got poor, people's cattle mostly dead; no corn, or but very little, in the country. The people were in great distress; many in the wilderness frostbitten, some dead; some ate of the dead horses and cattle. When the winter broke, the men would go and kill the buffaloes and bring them home to eat, but they were so poor. A number of people were taken sick and did actually die for the want of solid food."

But the sufferings of this winter did not put a stop to the coming to Kentucky of those who sought homes and independence. The immigration of 1780 was the largest the new territory had ever known. Three thousand people during the spring of this year arrived at Louisville and made certain the foundation of the beautiful city of today. Six new stations were founded by six hundred adventurous spirits and the end of Indian domination in the territory about the Falls was in sight. In addition to these accretions to the population about the Falls, the outlying stations received marked additions. Surveyors from Virginia poured into the virgin territory, one of the results being a new road across the Cumberland Mountains giving access to the Kentucky territory through the Wilderness road. Through this road and down the Ohio river, it is estimated that nearly ten thousand people passed during one year. Fears of Indian invasion, of which there were yet occasional incidents, were lessened by the presence of the larger number of active men to repel them. But Indian incursions were not yet at an end.

Colonel Clark, experienced soldier as he was, realized this and had never given up the idea that the English strongholds at Detroit and Sandusky should be broken up and destroyed. Gov. Patrick Henry conceived a plan to strengthen the outlying colony by establishing a fort near the mouth of the Ohio and by its presence enforce the claim of the United States to a western boundary at the Mississippi, south of the Ohio. Governor Henry believed that this fort held by a strong force would accomplish this result when peace negotiations with England were being held. But Governor Henry could not put his theory into active practice for lack of funds, and the matter was held in abeyance.

In April, 1780, Clark's other good friend, Thomas Jefferson, succeeded to the governorship of Virginia and announced to Colonel Clark his determination to establish such a fort, at the same time ordering him to begin its construction. This project was not popular in Kentucky, as the people feared that the defence of such a station in the southwestern portion of the country would weaken the defenses in the older portions of the country. But Clark, a soldier full of resources, quieted

these fears by stating that, if found necessary, he would withdraw some of the soldiers from the Illinois country to defend the new fort.

The location of the fort was at the junction of the Ohio and Mississippi rivers, so situated as to command the trade of the country on either side of those rivers. Here he erected several block houses and a strong fort, the latter in honor of the man who had aided him in his perilous expedition into the northwestern territory, and was now the governor of Virginia, being called Fort Jefferson, which was garrisoned by a force of two hundred men.

Clark's mind was not entirely engrossed in the construction of this fort. His thought was not only upon the business at hand, but on that which he felt was in the near future. He expected an incursion by the Indians fostered by the British forces at Detroit. Clark mentally put himself into the position of the enemy and rightly conjectured that they would do what he would have done had he been in their place. That is what some people have called military genius. Toward the end of May, 1780, Clark saw his expectations almost realized, for an attack was then imminent. With two companions, the three disguised as Indians, he left Fort Jefferson and made his way on foot to Harrodsburg, that he might organize for defence against the coming invasion. Like the gallant soldier that he was, Colonel Clark determined, if there were time, that he would organize a military force and instead of awaiting an attack, would march into the enemy's country on the offensive. Finding the people at Harrodsburg more interested in land entries than in any other matter, Colonel Clark closed the land offices and proceeded to the enlistment of a military force for the protection of the settlements. Before he had succeeded in raising the desired force, the invasion which he had foreseen came with almost resistless force. June 22d, Colonel Byrd a British officer, at the head of some six hundred savages, appeared before Ruddell's station and, by displaying cannon, forced its surrender. Going thence to Martin's station but a few miles distant, it also was forced to surrender. The situation was, indeed, gloomy for the Kentucky settlements, and it looked for a time that their fate was sealed. Had Colonel Byrd commanded British soldiers, he could have swept Kentucky as a besom of destruction as none of the stations had cannon with which to oppose his artillery. But, happily for the people of Kentucky, Byrd's forces were only Indians and they acted as Indians. Gorged with the plunder of the stations at Ruddell's and Martin's, and satisfied with the number of prisoners taken at these stations, they proposed to go back to their homes on the north side of the Ohio, there to enjoy in their own savage way, the fruits of their expedition. This is believed to have been the true cause of the withdrawal of the savage forces, but Collins states that the Indians were eager to march against Bryan's station and Lexington, but were prevented by Colonel Byrd. Color is given to this theory by the explanation that Colonel Hamilton, "the hair-buyer," was expected to cooperate with Colonel Byrd, but being at the moment elsewhere engaged, could not do so. It is idle to speculate upon the reason for Colonel Byrd's withdrawal. It is enough to know and far more important that he did retire with his Indian forces to the north side of the Ohio river.

Clark, on the retreat of the enemy, called for volunteers for an invasion of the enemy's country. He had already the nucleus of a force and new enlistments soon brought his command to one thousand men, every man of them ready to march into the Indian country and to endure every hardship the campaign might demand. Those were men, indeed, and there was no savage force on earth that could

withstand them. At the head of this force which comprised within its numbers the most famous Indian fighters of the settlements in Kentucky, Clark marched to Chillicothe which he captured without firing a gun, the Indians quitting the place before his arrival and fleeing into their forest fastnesses. Burning their houses and destroying their crops, Colonel Clark moved on Piqua, which was a strong and well garrisoned town, there being several hundred Indians here under command of the renegade white man, Simon Girty. Resistance was offered, but Colonel Clark had a little cannon with him and when he turned this upon the enemy they quickly fled and Piqua was soon in his possession. Here, as at Chillicothe, he destroyed the buildings and crops, thus teaching the Indians a useful lesson. Colonel Logan, pushing further into the country, drove the Indians from one of their smaller towns which he also destroyed.

The little army, which had been entirely successful in all of its movements, now returned to Kentucky, after inflicting such damage upon their implacable savage foes as to protect Kentucky for nearly two years from further incursions of large forces, though small, skulking bands slipped across the Ohio occasionally to burn and kill as opportunity presented.

Colonel John Floyd, writing to Governor Jefferson in April, 1781, said: "We are obliged to live in forts in this country and notwithstanding all the caution that we use, forty-seven inhabitants have been killed or taken prisoners by the savages, besides a number wounded, since January last.

"Whole families are destroyed without regard to age or sex. Infants are torn from their mothers' arms and their brains dashed out against trees, as they are necessarily moving from one fort to another for safety or convenience. Not a week passes, and some weeks scarcely a day, without some of our distressed inhabitants feeling the fatal effect of the infernal rage and fury of these execrable hell-hounds."

The Indians had not been idle. Whether on their own initiative or following the advice of the British officers, who had instigated many of their raids into Kentucky, cannot be said, but they began, about this time, a confederation of all the tribes of the northwest, the object of which was the driving out of Kentucky the white man. It has been stated elsewhere in this work that Kentucky while, in a general sense, never the permanent home of the Indian, was his favorite hunting ground, and it would have required but little inducement from the English officers to send the savages into the territory. This inducement was in the shape of guns and ammunition far superior to the primitive bow and arrow and the tomahawk. The Indian took kindly to the new weapons and vainly imagined that with them in his hands he was the equal of the white man. A confederation of the Wyandottes, Cherokees, Pottawattomies, Tawas, Delawares, Shawnees and other tribes living nearer the Mississippi river or the lakes was formed. There was an agreement that representatives of these tribes should assemble at Chillicothe in the summer of 1782 and, proceeding to Kentucky, should drive out the whites, burning their homes and securing their property. The British authorities, to their everlasting dishonor be it said, had promised aid and comfort to the savages on this red mission bent.

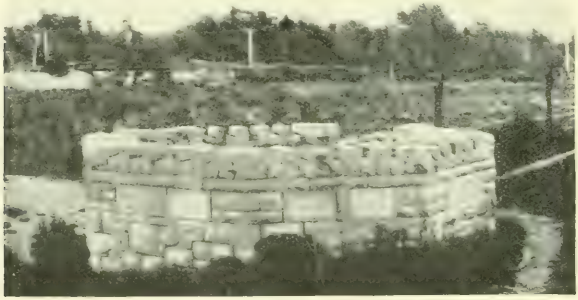
While these preparations for a murderous descent upon Kentucky were being arranged events of the most momentous character were transpiring in Virginia. Cornwallis, at the head of his army, had marched to Yorktown all unconscious that he was there to meet his fate and that at that little Virginia town he was to see laid the corner-stone of the independence of the colonies, and the real beginning of the United States of America, the

greatest world-power of today. On October 19, 1781, the haughty British general had laid down the arms of his men at the command of that Virginian gentleman and soldier, George Washington, at whose wise counsel another English officer, General Braddock, had sneered years before, refusing to hear the advice of a young colonial officer who dared to instruct a British general in Indian warfare. He had paid for his arrogance with his own life and that of many of his men, and now another British general had been humbled by that same young colonial officer.

The pioneers of Kentucky learning long after the event, that Cornwallis had surrendered, deemed the war with England at an end and hoped that they might now proceed in peace to till their fields, no longer fearing the attack of the savage or the ravages of his destroying torch. But not long did they indulge in this golden dream of peace, for, in the spring of 1782, the confederated savage bands began their premeditated attacks with a ferocity hitherto unknown. The savages knew that disaster had come to their English allies in Virginia and felt that this effort to drive the white man from Kentucky was probably the last they could ever make. Winning now, they hoped that it was for all time; losing now, they felt that it was a final loss and that the hunting ground of Kentucky would never again be theirs. So their efforts were more desperate than they had before made. Throughout the three counties they raged, massacres and burnings marking their course as they had never done before, every section feeling the force of their attacks, few families escaping from adding to the death roll. Suddenly the savage forces withdrew from Kentucky and by August quiet reigned, and there seemed to be not one Indian in the three counties. But the whites had grown wise from experience and knowing that the Indians would return in yet greater force, began to prepare for defense. Not knowing before which fort they would appear preparations were made at all the stations to receive them, the outlying settlers, meanwhile, deserting their homes and taking refuge in the forts.

While Kentucky was thus preparing to resist the expected invasion, the confederated tribes were busy at Chillicothe arranging for another attack. In this they were aided by a detachment of English soldiers under command of Capt. William Campbell. Here also, was the white renegade, Simon Girty, more thoroughly a savage brute than any of the red men whom he incited to murder. He made an impassioned appeal to his savage followers, inciting them to deeds of unequalled ferocity, telling of the recent attacks upon their towns and their destruction, calling them to recall the former beauties of their hunting grounds and their destruction by the white men, exhorting them to an effort, perhaps their last one, to drive out the settlers and renew their sovereignty over the beautiful land. Other speeches of like tenor, full of the rude but forceful eloquence of the Indian, were made and the savage army began its march upon the Kentucky settlements full of a revengeful spirit and ready for any and all deeds of violence. They moved forward so quietly that they appeared before Bryan's station upon the Elkhorn, near where the beautiful little city of Lexington now stands, on August 15, 1782, without a man in the station having knowledge of their presence. There were but forty-four men in the station to resist four hundred. These had prepared to go to the support of a near-by station, when the firing of guns in their own vicinity attracted attention. A small body of savages was in view, firing their guns, uttering their demoniac yells and indulging in characteristic gestures, the latter of which were of a nature to infuriate the whites to the highest degree. Thirteen men were sent from the fort to return the fire of this party in the hope of thus

developing the larger party believed to be lurking in the forest. The ruse succeeded, for no sooner had this small party made its attack than Caldwell, the British commander, attacked the fort on the opposite side, believing the thirteen men who had come out to be the entire force of the garrison. He was speedily convinced of his error, as the men remaining within the fort delivered so heavy a fire upon his forces as to speedily drive promised protection to all, declaring, at the same time, that if compelled to capture the fort by a direct attack, he would not be responsible for after events. The idea of this worse than savage brute promising immunity from outrage never appealed to those who knew his demoniacal nature and cruel career, and a young man named Reynolds, as spokesman for those in the fort, informed Girty that those within the fort were not going to



Bryan's Station Spring, Lexington

them back into the woods. Caldwell now began a siege of the fort in characteristic fashion, but without success. Having no artillery, he was unable to beat down the stockade and the men within, being acquainted with every device of savage warfare, were enabled to successfully resist every attack. The renegade, Simon Girty, finding the savage wiles of no effect, came under a flag of truce and declared to the gallant defenders that further resistance was useless, as he was in momentary expectancy of the arrival of artillery with which he would have no difficulty in beating down their defenses and capturing the garrison. Demanding a surrender, Girty surrender; that they expected immediate reinforcements; that the whole country was coming to their rescue and that if "Girty and his gang of murderers" remained twenty-four hours longer before the fort, their scalps would be found drying in the sun upon the roofs of their cabins.

Girty and Caldwell must have been impressed by the assurance of young Reynolds for, on the following morning, their camp was found to be deserted. The net casualties of the siege among the occupants of the fort amounted to four men killed, while the savages had lost about thirty men. The Indians decided to change their position and follow-

ing a buffalo trail, set out for the Lower Blue Licks, leaving behind them every indication that they desired to be followed, some of the savages even marking their line of march by cutting the trees along their route with tomahawks.

An important incident of this siege, which showed the brave spirit of the pioneer women of Kentucky, must be noted. The fort had unfortunately been located apart from the spring by which water was supplied and when the siege was first begun the Indians, before their presence was known, had placed a party in ambush about this spring. By this device they hoped to capture or destroy any party leaving the fort for water, at the same time making a counter-attack upon the opposite side of the stockade. Those within the fort soon discovered the presence of the savages and understood their designs. To send out a party of men for water meant certain death for them and probably for those in the fort. Strategy must be used and the final decision was of a most desperate character. It was decided that the women of the fort should be the water bearers. They at first demurred, explaining that the Indians had hitherto not shown any particular discrimination in the matter of scalps, taking as readily those of the women as those of the men who fell into their hands. They were told in reply that the Indians were accustomed to seeing women go to the spring each morning and seeing them go now, would imagine that their presence was yet unknown and would therefore, not disturb them. If the men went, the savages would know that their presence had been discovered and would not only fire upon them, but would begin their attack upon the fort. These brave women did not long hesitate, the boldest at once declaring their willingness to make the effort while the others soon joined them and together they moved down to the spring, filled their vessels and returned to the fort unmolested by the Indians. No braver deed than this marked the early settlement of Kentucky; gallant as were the brave men who erected the new state under savage fire, none were so brave as these mothers, wives and daughters of Bryan's station.

CHAPTER XIV.

Terrible Ambush at Blue Lick—Gathering of Fugitives—Fate of Prisoners—Massacre at Kincheloe's Station—No Peace for Kentucky—Another Appeal to Mother Virginia—Logan on the Blue Lick Affair—Todd on the Blue Lick Disaster—Even Boone Depressed.

News of the attack upon Bryan's Station spread rapidly and at once reinforcements began their march to the beleaguered fort and to pour into the station. One hundred and eighty horsemen arrived on the night following the raising of the siege. Among these was Daniel Boone who, in a letter to Governor Harrison dated August 30, 1782, stated almost one third of this force was composed of commissioned officers. This is not to say that these officers were not as brave and efficient as the privates. It is but another proof that in those early days, as in these, there were many colonels who had no regiments.

It was determined in a council of war to begin an immediate pursuit of the retreating savages, without awaiting the arrival of Colonel Logan, who was known to be coming at the head of three hundred men. It is believed that Boone opposed this hurried advance. Expert as he was in Indian warfare, he readily deciphered the signs so ostentatiously left by the Indians on their line of march. To him they spelled danger; they were intended to deceive and to invite an attack upon what they supposed was a flying and demoralized force, but which, in reality, was strong and not only ready but anxious to be attacked. Coming within sight of the Licking river, the pursuers saw a small party of Indians on a leisurely retreat. The hotheads desired to attack at once. Boone, wisest in Indian warfare of any of the party, advised against precipitancy, urging that the Indian force was undoubtedly strong and not only ready but anxious for battle. He insisted upon delay until Colonel Logan and his men arrived, but while he was thus using his knowledge of savage warcraft, Major McGary, one of the hotheads, spurred his horse into the river, calling out: "Those who are not cowards, follow me; I will show them where the Indians are." Upon this reckless challenge, the entire party moved forward, attacking the Indians with much bravery but without any organized system. The enemy appeared to retreat in much disorder, drawing the whites on until they came to a point on the ridge where two ravines, one on either side of their path, afforded the Indians an excellent opportunity for an ambuscade of which they had taken full advantage; for in these ravines was hidden their entire force and from them they poured a merciless fire upon the whites resulting in a panic among the latter. Before a retreat could be effected the Indians extended their lines and completely surrounded the attacking party. At this moment, Boone's son was killed in the father's presence. The elder Boone attempted with some of his followers to gain the ford, only to find it in possession of the enemy. Retracing his steps to

one of the ravines in which the Indians had first hidden, he, and a small number of men, succeeded in crossing the river and by a circuitous way, finally returned in safety to Bryan's station.

The death roll was heavy at the river. Surrounded on every hand, the gallant men fought desperately for their only means of escape. The water was filled with a mass of horsemen, men on foot and Indians engaged in a life and death struggle. Many were killed; some who could not swim were drowned, while a few swimmers made their escape.

There was a man named Netherland who had been suspected of cowardice, who at the ford showed the stuff of which heroes are made and proved the injustice of the charge that had been held against him. Owing to the excellence of his horse, he had escaped across the river in advance of some twenty other mounted men, which latter showed an inclination to continue their flight until a point of safety was reached, leaving their friends to continue the struggle alone and arrange their retreat as best they could. Netherland, placing himself in front of these mounted men, called upon them in a loud voice to halt, fire upon the Indians and aid in the rescue of those of their comrades who were in a life and death struggle in the river. These men, encouraged by Netherland's gallant challenge, promptly faced to the rear pouring at the same time a deadly fire into the front of the savage ranks. The Indians fell back under this galling fire to the opposite side of the Licking, thus giving opportunity to the whites struggling in the water to escape. This repulse, however, was but momentary. Driven back by Netherland and his men from the ford, the savages began crossing above and below that point, and the flight became a rout, "every man for himself" with no semblance of military discipline. The Indians pursued for about twenty miles, inflicting but little further damage, owing to the whites having scattered. By circuitous routes the survivors made their way back to Bryan's station, from which they had but a short time before taken their departure full of high hopes of victory and the determination to drive the Indians from the country after inflicting upon them such punishment as would forever deter them from another concerted attack upon the stations.

Smith says: "The loss in this battle was heavier than had been experienced in any other contest that had ever taken place with the savages on Kentucky soil, and carried distress and mourning into half the houses in Kentucky. Of the one hundred and eighty men engaged, sixty were killed and seven taken prisoners. Colonels Todd and Trigg were especially deplored for their eminent social and private, as well as their public worth. Of Major Harlan it was the common sentiment that no officer was braver and more beloved in the field."

Colonel Logan's force was within less than a day's march of the battlefield when the fateful contest occurred. The advance guard of Logan's command met the fugitives from Blue Lick and returned to Bryan's station, there to await the coming of the main body of the command. When the force was again united, they marched to the scene of the late battle to fight the Indians if any remained; to bury the dead if the savages had withdrawn. Arriving at noon on the following day they found that the Indians had gone, leaving on the field the mutilated bodies of the slain. There were buried on the field where they had sacrificed their lives in vain because Major McGary had more of rashness than of soldierly judgment in his mental make-up. More than one soldier has needlessly gone to his death on other and later fields than that of Blue Lick by reason of the same lack of soldierly judgment upon the part of his commanding officer, a fact to which the

soldiers who fought in the grand battles of the War Between the States will readily testify.

In Boone's Narrative a commonly credited report is narrated to the effect that after the battle, the Indians found that of their number four more had been killed than of the whites, whereupon four of their seven white prisoners were killed in order that the score might be even. The tradition continues, relating that the three remaining prisoners, McMurtry, Rose and Yocum were treated with savage brutality, being required, among other sufferings and indignities, to three times run the gauntlet. At last they were condemned, in accordance with the custom of savages, to be burned at the stake. To this end they were tied to stakes and the faggots kindled to burn them. A thunder storm, accompanied by a heavy downfall of rain, occurred at this opportune moment and extinguished the flames. The Indian is superstitious and religious after his own fashion, and accepting the thunder and rain as a manifestation of displeasure upon the part of the Great Spirit at the deed they were about to commit, they desisted from further attempts to burn their prisoners and afterwards treated them kindly as beings under the especial protection of the Great Spirit whom, according to their dim light, they worshipped.

The main Indian force returned after the battle to Ohio, but some of their allies sought their return home by another route which brought them into touch with the settlements in Jefferson county, where they hoped to fall upon the unprotected and scattered settlements murdering the inhabitants; plundering and burning their homes.

Colonel Floyd early learned of their coming and ordered out a force to patrol the section where they were expected to first appear. Of these troops Collins says: "Some of this party were from Kincheloe's station on Simpson's creek in what is now Spencer county, where six or seven families resided. On the 1st of September, the militia, unable to discover any Indians, dispersed and returned to their homes. There had been no alarm at Kincheloe's station during the absence of the men and, upon reaching home late in the evening much fatigued and without apprehension of danger, they retired to rest. At the dead hour of night, when the inmates of the station were wrapped in the most profound sleep, the Indians made a simultaneous attack upon the cabins of the station and breaking open the doors, commenced a massacre of men, women and children. The unconscious sleepers were awakened but to be cut down, or to behold their friends fall by their side. A few only, availing themselves of the darkness of the night, escaped the tomahawk or captivity. Among those who escaped was Mrs. Davis whose husband was killed, and another woman whose name is not known. They fled to the woods, where they were fortunately joined by a lad by the name of Ash, who conducted them to Cox's station.

"Wm. Harrison, after placing his wife and a young woman of the family, under the floor of the cabin, made his escape under cover of the darkness. He remained secreted in the neighborhood until he was satisfied the Indians had retired when he returned to the cabin and liberated his wife and her companion from their painful situation.

"Thomas Randolph occupied one of the small cabins with his wife and two children, one an infant. The Indians succeeded in breaking into his house and, although they outnumbered him four or five to one, he stood by his wife and children with heroic firmness. He had succeeded in killing several Indians, when his wife and the infant in her arms were both murdered by his side. He instantly placed the remaining child in the loft, then, mounting himself, made his escape through the roof. As he alighted on the ground from the roof of the cabin, he was assailed by two of the savages whom he had just forced out of the

house. With his knife he inflicted a severe wound upon one and gave the other a stunning blow with his gun, when they both retreated. Freed from his foes, he snatched up his child, plunged into the forest and was soon beyond the reach of danger.

"Several women and children were cruelly put to death after they were made prisoners, on their way to the Indian towns. On the second day of her captivity, Mrs. Bland made her escape in the bushes. Totally unacquainted with the surrounding country, and destitute of a guide, for eighteen successive days she wandered through the woods without seeing a human face, without clothes and subsisting on sour grapes and green walnuts, until she became a walking skeleton. On the eighteenth day she was accidentally discovered and taken to Linn's station, where, by kind treatment and careful nursing, her health and strength were soon restored."

There is another interesting story connected with the capture of Kincheloe's station. Among the prisoners taken by the Indians there was a Mrs. Polk and her four children. She was in extremely delicate health and was compelled to walk until almost exhausted. An Indian brandished a tomahawk and threatened her with death, at which another Indian interposed and saved her life. This latter Indian, having about him an instinct of humanity, and recognizing the delicate condition of the prisoner, took her into his care, and mounting her and two of her children on a horse, took her safely to Detroit. Here a British trader purchased her and her children from her captors. By some means she sent a letter to her husband, who had been absent from the station at the time of the attack, and he at once visited Detroit, where he regained his wife and children with whom he returned to Kentucky. The remaining prisoners, left alive, were permitted to return to their homes in Kentucky after the declaration of peace between England and the United States in the following year.

The optimists hoped that the close of the War of the Revolution would bring peace to those who had pressed forward into the wilderness to make homes for their families; that the specious inducements, offered by English officers, to savages, to raid white settlements and murder women and children, would fall into disuse, and that the Kentucky pioneer would thereafter be left to till his fertile fields in safety undisturbed by the sound of an English gun carried by a savage.

Col. John Mason Brown, a descendant of the early Kentucky pioneers, and himself a distinguished son of Kentucky, whose modesty was only surpassed by his great capacity, says of this period:

"The spring of the year 1782 opened upon what, indeed, seemed an era of prosperity and security for the west. The surrender of Lord Cornwallis at Yorktown, in the preceding autumn, had ended the War of Independence. Peace with England brought with it a recognized American title to the great northwest as far as the lakes and beyond Detroit. The splendid dream of Clark, which none but Jefferson seemed fully to comprehend, was fulfilled in the cession of an empire. Strong men had come in numbers to seek fortune and adventure in the brakes and forests of Kentucky. Brave women encountered the hardships of the frontier and followed husbands and fathers into the wilderness. Families had been established and children had been born to the pioneers. Already was cradled the generation of riflemen destined to crush, in after years, the great confederation of Tecumseh, and to assure the northern boundary of the Union."

That the whites had a reason to expect a cessation of Indian atrocities after the declaration of peace between the United States and England, as stated by Colonel Brown, was entirely reasonable, but the deadly affair at Blue

Lick showed that however peace may have come in a general sense, there was yet war for them and that the sturdy "backwoodsmen of Kentucky" had still to fight for home, wife and children.

Recognizing this fact and the dangers that surrounded them, Daniel Boone, Levi Todd, Robert Patterson, R. Netherland (the latter of whom had been called a coward and who was really the hero of Blue Lick), William Henderson, John Craig and others of the Kentucky pioneers, addressed the following memorial to Governor Harrison of Virginia:

"The officers, civil as well as military, of this county, beg the attention of Your Excellency and the Honorable Council. The number of the enemy that lately penetrated into our country, their behavior and, adding to this, our late unhappy defeat at the Blue Licks, fill us with the greatest concern and anxiety. The loss of our worthy officers and soldiers who fell there the 19th of August, we sensibly feel and deem our situation truly alarming. We can scarcely behold a spot of earth but what reminds us of the fall of some fellow adventurer, massacred by savage hands. Our number of militia decreases. Our widows and orphans are numerous; our officers and worthiest men fall a sacrifice. In short, Sir, our settlement hitherto formed at the sacrifice of treasure and much blood, seems to decline, and if something is not speedily done we doubt not will be wholly depopulated. The Executive, we believe, thinks often of us and wishes to protect us, but we believe that any military operations that for eighteen months have been carried on in obedience to orders from the Executive have been rather detrimental than beneficial. Our militia are called upon to do duty in a manner that has a tendency to protect Jefferson county, or rather Louisville, a town without inhabitants, and a fort situated in such manner that an enemy coming with a design to lay waste our country would scarcely come within one hundred miles of it; and our own frontiers are open and unguarded. Our inhabitants are discouraged. It is now near two years since the division of the county and no surveyor has ever appeared among us, but has, by appointment, from time to time, deceived us. Our principal expectation of strength is from him. During his absence from the county claimants of land disappear, when if otherwise they would prove a source of additional strength.

"We entreat the executive to examine into the cause and remove it speedily. If it is thought impracticable to carry the war into the enemy's country the plan of building a garrison at the mouth of the Limestone and another at the mouth of Licking, formerly prescribed by Your Excellency, might be again adopted and performed. A garrison at the mouth of Limestone would be a landing place for adventurers from the back parts of Pennsylvania and Virginia, adjacent to a large body of good land which would be speedily settled. It would be in the enemy's principal crossing place, not more than fifty miles from Lexington, our largest settlement, and might be readily furnished with provisions from above till they could be supplied from our settlements here. Major Netherland, we expect, will deliver this. He will attend to give any additional information that may be deemed necessary. Humanity towards inhabitants, destitute of hope of any other aid will surely induce Your Excellency to spare from the interior parts of the state two hundred men and a few pieces of artillery for those purposes above mentioned."

Col. Benjamin Logan on the 31st of August of the same year, wrote to Governor Harrison, as follows in relation to the affair at Blue Lick:

"From the situation of the ground on which our men were drawn, I hardly know how it was possible for any to escape. I am inclined to believe that when Your Excellency and council become acquainted with the military operations in this country, you will not think them so properly conducted as to answer the general interests of Kentucky. From the accounts we had received by prisoners who had escaped this spring, we were confident of an invasion by the Detroit Indians. Common safety then made some scheme of defense necessary. For this purpose I was called upon by General Clark to attend a council, and after consulting over matters, it was determined to build a fort at the mouth of the Licking. Shortly, I received his orders for one hundred men to attend this business with a certain number from Fayette. Before the day of the rendezvous, I was instructed to send the men to the Falls of the Ohio in order to build a strong garrison and a row-galley, thus by

weakening one end to strengthen another. The upper part of the country was left exposed and the enemy, intercepting our plans, brought their intended expedition against the frontiers of Fayette. The immense expenses incurred by the state in this western country we know are enough to prevent the government from giving us further aid, but when Your Excellency and council are informed that the people have never been benefited by those expenditures, we still hope your compassion will be extended to a detached and distressed part of your country, as it is not in the power of the people to answer the misapplication of anything by a proper officer. General Irwin, commanding at Fort Pitt as a Continental officer, might probably be of more assistance to this country, could he receive proper supplies from the state of Virginia, than any other measure that could be adopted, as he has the same enemies to encounter that trouble us and stores of every kind seem to be of little use to us, ammunition excepted. Colonel Trigg being killed, there is a field officer wanting in this county. I am at a loss how to proceed on the occasion, for all our magistrates have been killed except three, and there can be no court to send a recommendation. Colonel Harrod, who formerly acted as a colonel and who, according to seniority, ought to have received a commission, is now in being, and, I think a very proper person for that purpose."

It is difficult to leave the narration of events connected with the disastrous affair at Blue Licks. Those who have been soldiers participating in great victories, or suffering the pangs of disastrous defeats, will recognize the fascination which holds a former soldier to the events of the fatal day at Blue Licks. Therefore no excuse need be offered for presenting here a copy of a letter written August 26, 1782, by Col. Levi Todd to his brother, Captain Robert Todd, giving further details of the battle: "Our men suffered much in retreat, many Indians having mounted our abandoned horses and having an open woods to pass through to the river, several were killed in the river. Efforts were made to rally, but in vain. He that could remount a horse was well off, and he that could not, saw no cause for delay. Our brother received a ball in his left breast and was on horseback when the men broke. He took a course that I thought dangerous and I never saw him afterwards. I suppose he never got over the river. Col. Trigg, Major Harlan, Major Bulger, Captains McBride, Gordon, Kinkead and Overton fell upon the ground; also, our friend, James Brown. Our number missing is about seventy-five. I think the number of the enemy was about three hundred, but many of the men think five hundred. Col. Logan, with five hundred men, went upon the ground on the 24th and found and buried about fifty of our men. They were all stripped naked, scalped and mangled in such manner that it was hard to know one from another. Our brother was not known.

"As people in different parts of the country will be anxious to know the names of the killed, I will add a list of what I can now remember: Col. John Todd, Colonel Stephen Trigg, Major Silas Harlan, and Major Edward Bulger; Captains William McBride, John Gordon, Joseph Kinkead, and Clough Overton; Lieutenants William Givens, John Kennedy, Joseph Lindsey, and — Rodgers; Ensign John McMurtry; Privates Francis McBride, John Price, James Ledgerwood, John Wilson, Isaac McCracken, Lewis Rose, Mathias Rose, Hugh Cunningham, Jesse Yocum, Wm. Eads, Esau Corn, Wm. Smith, Henry Miller, Ezekiel Field, John Folly, John Fry, Val Stern, Andrew McConnell, Surgeon James Brown, William Harris, William Stewart, William Stevens, Charles Ferguson, John Wilson, John O'Neal, John Stapleton, Daniel Greggs, Jervis Green, Dowry Polly, William Robertson, Gilbert Marshall, James Smith and Israel Boone."

But for the rash conduct of Major McGary the dread result at Blue Licks would have been avoided. The logical duty of those in command was to await the arrival of the reinforcements under Colonel Logan, who were hastening to the assistance of their fellow colonists. With these men the Indians would have been defeated and driven from the state, probably never to return in such organized form. McGary was of the type of brave man without judgment, and most grievously did his comrades pay for his rashness.

The people were disheartened by this disastrous battle, even the lion-hearted Boone, sharing the general depression. Writing to Governor Harrison of Virginia, he said: "I have encouraged the people in this country all that I could, but I can no longer justify them or myself to risk our lives here under such extraordinary circumstances. The inhabitants are very much alarmed at the thoughts of the Indians bringing another campaign into our country this fall. If this should be the case, it would break up these settlements."

CHAPTER XV.

GREAT CAMPAIGN NORTH OF THE OHIO—CREATION OF KENTUCKY—CLARK UNAPPRECIATED BY VIRGINIA—BOONE'S LATER YEARS—AT NINETY—NOT ILLITERATE—SIMON KENTON—"PROUDEST DAY OF HIS LIFE"—CLARK'S LARGE PLANS—FLOYD'S DISASTER ON LONG RUN—SCENE OF CIVIL WAR BATTLE—INDIANS' POWER FOREVER BROKEN.

The desperation of Boone, as set forth in his letter to Gov. Harrison, was a natural sequence to the affair at Blue Lick. The brave old pioneer was almost in despair but there was a gallant, soldierly man in Kentucky who knew not the word despair and who had never abandoned the plan of carrying the war into the enemy's country.

George Rogers Clark had been charged with expending his energies in defense of the settlements about Louisville, but, in fact, his sole idea was the relief of all the settlements. He proposed to strike so serious a blow to the Indian tribes as would forever prevent another incursion by them into Kentucky. He sent forth a call for volunteers before Boone's complaint had been made known. The gallant settlers rallied in immediate response, well knowing that with Clark as their leader there would be prompt and quick reprisal upon the savage enemy.

Early in November, 1782, according to the best authorities, though some have named September as the month when they rallied, Clark found himself at the head of more than a thousand brave and determined men who had rallied to his call at the mouth of the Licking, opposite to what is now the great city of Cincinnati. With this force, early in November, 1782, he moved across the Ohio river and on the evening of the 10th surprised and captured the principal Shawnee town, destroying everything that was of no value to his troops. Col. Benjamin Logan, the splendid soldier, who seemed to be always ready when there was active work to be done, a characteristic of the Logans to come after him, led a party of one hundred and fifty men against the British post at the head of the Miami, which he captured, destroying vast quantities of stores which the English had furnished to the Indians. The amount of these stores was a surprise to the invading forces, who had no idea that the savages had such substantial support from their English allies.

Clark remained for four days in the Indian country, but finding that he could not bring on a general engagement, as he so much desired, he withdrew his forces, owing to threatening weather and the near approach of winter. But he had taught the savages a useful lesson and afterward they made no formidable invasion of Kentucky. Small parties of Indians made subsequent incursions into the district, doing much damage, but there were no organized efforts after Clark's expedition into their country, though the English, even after the treaty of peace was signed, continued to incite the savages to deeds of violence against the white settlers along the American frontier. The English of today confront a situa-

tion in India which must bring to the minds of those among them who are students of history, lively recollections of the time when their ancestors incited the savages of the western world to slay the men, women and children who were of their own flesh and blood. Using a familiar quotation one may say: "Their chickens are coming home to roost."

Clark, Boone, Logan and the other splendid spirits who had acted in unison with them, had made practically impossible further organized raids into Kentucky by the Indians and the English—who not only encouraged the savages but furnished them the equipments of warfare and accompanied them in their forays. They had done more than this; they had all unconsciously, builded a state and paved the way for the addition of another star to the splendid flag of our country. Clark, at a later period, was offered a commission in the army of France which, owing to a proclamation of President Washington, he did not accept. His heart was devoted to the freedom of Kentucky from English and savage domination and, at this day, it appears that he was not amenable to the charge that he was leaving other parts of Kentucky unprotected from savage forays by calling troops to Louisville. The events of the period show that he had larger views than were held by his contemporaries and that he sought by master strokes to destroy the Indian and English power to that effect which should protect not Louisville alone, but the entire territory of Kentucky. And the result of his last foray into the Indian stronghold in Ohio proved the correctness of his plans, since there were never afterward any invasions of Kentucky by organized bands of savages of any great force.

Virginia was lacking in appreciation of George Rogers Clark, who had won for her and the Union an empire, and he lived and died in comparative obscurity. His grave is near Louisville, and there are few, if any, who give to the foremost of military geniuses who brought peace and happiness to the early settlers of that vicinity, even a careless thought. It is told that when Virginia, in the days of his poverty, sent him a sword in recognition of his great services, he broke it across his knee, exclaiming that "he had asked for bread and they had gave him a stone." George Rogers Clark had won a principality for his country and died poor and neglected. Such is the gratitude of Republics.

Daniel Boone, practically unlettered but not ignorant, risked his life a thousand times for the people of the new land. He made entries of the land he had helped to win from the savages, and because these were not technically correct, he and those for whom he had acted as agent, were afterwards deprived of the fruits of his heroic efforts in behalf of the early settlers of our state. The intricate land laws, which were inherited from Virginia, were not understood by the old pioneer and he saw the fruits of his years of danger and privation swept from him and his friends by the decisions of the courts and placed in the hands of those who had flocked to the new country when it was no longer dangerous to adventure thither. The grim old Indian fighter could calmly face danger, but would not brook injustice. He broke up his home in Kentucky and removed to Virginia. There he became, subsequently, a member of the legislature and in what is now West Virginia, Boone county attests the esteem in which he was held by his new associates. From Virginia he pushed out to the then frontier of Missouri, "far from the haunts of men," where he could breathe freely and not feel the touch of mankind that might be unfriendly. He settled in what is now Calloway county, in that state, about seventy-five miles above the mouth of the Missouri river, where he led a quiet life, engaged mostly in hunting, until Sept. 20, 1820, when he died. His remains and those of his wife were subsequently removed to Kentucky and re-interred in the State Cemetery at Frankfort, Septem-

ber 13, 1845, where a modest and appropriate monument in their honor was erected. This monument, in the succeeding years was defaced by relic hunters to such an extent that the good women of Kentucky in the recent past, have had it restored and it is now protected from vandal hands by an iron railing.

Chester Harding, the portrait painter, who visited Boone shortly before the latter's death, for the purpose of painting his portrait, has left, in his autobiography, the following word picture of the old pioneer. "In June of this year, 1820, I made a trip of one hundred miles for the purpose of painting the portrait of Colonel Daniel Boone. I had much trouble in finding him. He was living some miles from the main road in one of the cabins of an old block-house, which was built for the protection of the settlers against the massacres of the Indians. I found that the nearer I got to him the less was known of him. When within two miles of his house, I asked a man to tell me where Colonel Boone lived. He said he did not know such a man. 'Why, yes you do,' said his wife, 'it is that white-headed old man who lives on the bottom near the river;' a good illustration of the proverb that a prophet is not without honor save in his own country. I found the object of my search engaged in cooking his dinner. He was lying on his back near the fire and had a long strip of venison wound around his ramrod and was busy turning it before a bush fire and using salt and pepper to season his meal. I at once told him the object of my visit. I found that he hardly knew what I meant. I explained the matter to him and he agreed to sit. He was nearly ninety years old and rather infirm; his memory of passing events was much impaired, yet he would amuse me every day by anecdotes of his early life. I asked him one day, just after his description of one of his long hunts, if he ever got lost, having no compass. 'No,' said he, 'can't say as ever I was lost, but I was bewildered once for three days.' (Those of good memory will recall that this statement of Boone's is related elsewhere in the preceding chapters.) He was astonished at seeing his likeness. He had a very large progeny. A grand-daughter had eighteen children, all at home near the old man's cabin; they were even more astonished at the picture than the old man himself."

There is a common belief among those who have thought enough about it to have any opinion at all, that Boone was wholly illiterate; knew nothing even of reading, and, in proof of this, cite the fact that he employed a system of orthography wholly unknown to polite literature. They adopt as true the apochryphal statements of newspapers that beech trees are occasionally found bearing still upon their smooth bark the inscription, "D. Boone, cilled a bar." Killing bears was so much a matter of course with pioneers in a new country that it is difficut to imagine Boone stopping to blazon forth upon a beech tree evidences of his prowess, where there were none others than himself to see the record. It is quite within the range of possibilities that he was far more interested in seeing that no Indian "cilled D. Boone" than that the world should know that he had killed a bear.

Boone was not illiterate; his letters hitherto quoted herein prove that fact; his spelling may have been and probably was not in accord with the accepted standards of today, but that it was a further departure therefrom than that of our latter day spelling reformers cannot be admitted. Boone was a surveyor of lands and illiterates cannot make surveys nor correctly report their results.

In a sketch entitled, "The Settlement of Kentucky," written by Col. J. Stoddard Johnston and published in 1908, that accomplished gentleman says: "It was not until 1769 that the step was taken which proved to be the forerunner of the permanent settlement of Kentucky, when Daniel Boone, with five companions, came through Cumberland Gap to

the valley of Red River, a tributary of the Kentucky, and built a cabin on a creek which they called Lulbegrud, which forms the eastern boundary of Clark county, and passed some time in hunting and exploring the adjacent territory. That they were not illiterate or obscure men, is shown, not only from the fact that the descendants of several of them were afterwards conspicuous for their capacity and public services, but from the circumstance of the naming of the creek upon which they located their camp, which appears as such on the map of Filson of 1784, as also, upon those of the present day. There is no page of American history more full of romance than this incident. The name was evidently adopted from Dean Swift's 'Gulliver's Travels,' first published in 1726, in which it is spelled Lorbulgrud, and designated by the author in the text as the capital of Brobdingnag, which, he says, was in California, and that it was situated in the interior 3,000 miles from the Pacific coast. It was long a puzzle to me how these crude hunters came to select it and it was not solved until the following deposition of Daniel Boone was found in comparatively recent years, of record in the county clerk's office of Clark county, of which Winchester is the county seat:

'Deposition of Daniel Boone; from original in Deposition Book No. 1, page 156, Clark county, Kentucky:

The deposition of Daniel Boone, being of lawful age, taken before us, the subscribing Commissioners, the 15th of September, 1796, being first duly sworn, deposeth and sayeth that in the year 1770, "I encamped on Red river, with five other men, and we had with us for our amusement the 'History of Lemuel Gulliver's Travels,' wherein he gave an account of his young Master Grumdelick carrying him on a market day to a town called Lulbegrud. A young man of the company called Alexander Neely came to camp one night and told us he had been to Lulbegrud and had killed two Brobdignags at the capital. And further deponent sayeth not.

(Signed) "D. Boone."

"A singular coincidence in the case is that the creek to which this name was given is just about 3,000 miles from the Pacific coast, which Swift indicates as the distance thence of the capital of Brobdingnag.

"An additional item of interest in this connection is that the identical copy of Swift's works which afforded amusement to these pioneers entombed in the forest and canebrakes of Kentucky, and liable to be at any time subject to the attack of Indians, which later proved fatal to most of them, is to be found in the library of Col. R. T. Durrett of Louisville, in an excellent state of preservation. It consists of two duodecimo volumes bound in calf and illustrated with numerous excellent copperplate engravings, and bears the following title: 'The Works of Dr. Jonathan Swift, Dean of St. Patrick's, accurately revised in twelve volumes; adorned with copperplates with some account of the Author's life and notes historical. By John Hawkesworth, LL. D., London. Printed for C. Bathurst, T. Osborne, W. Bowyer, J. Hinton, W. Strahan, B. Collins, J. Rivington, R. Baldwin, L. Davis, C. Reymers and L. Dodsley, 1756.'"

From the number of names given above for whom "Swift's Travels" were printed one may imagine that the publishing business was in 1756, as in 1910, a possibly hazardous one and that these gentlemen named above desired, so far as they might, to divide the responsibility among a number, thus lessening the financial pressure upon each in the event of a failure. But that is apart from Boone's deposition and Lulbegrud creek. The latter still sends its placid waters on their course under the same curious but almost classic name in Clark county, and the little volumes repose in Colonel Durrett's library, mute testimonials to the correctness of Daniel Boone's deposition.

A comrade of Boone, Clark and the other pioneers who blazed the way for civilization in Kentucky, was Simon Kenton, and it may

be of interest to note here that three counties of the State are honored by the names of these three brave men. Kenton was truly a Scotch-Irishman, his father being an Irishman and his mother a Scottish lady. He was born in Fauquier county, Virginia, April 13, 1755. Owing to the poverty of his parents, he secured but little education, but this fact did not prevent his playing a manly part in the struggles of the early settlers of Kentucky to redeem that fertile country from the savages and make it a fitting home for the thousands who were to come after him. Though he could spell no better, perhaps, than Daniel Boone, he was a precocious youth and like so many before and since his day, he was at sixteen deeply in love with a young woman of his vicinity. Unfortunately for Kenton, fortunately, perhaps, for Kentucky, the course of true love did not run smoothly for him, and he suffered the mortification of seeing a rival win the object of his affections. Men were rather primitive in those early days and Kenton, driven to despair by his failure to win the object of his affections, forced a quarrel and a fight upon his rival whom he left dying, as he supposed, at the end of the conflict. He fled horrified, to the wilderness of Kentucky, which he reached after much difficulty. Once again among his fellowmen, and fearing the awful hand of avenging justice, he changed his name to Simon Butler. Before reaching Kentucky to which he did not immediately come, he met and became acquainted with Simon Girty, who was afterwards to become the wickedest and most blood-thirsty renegade who ever led the Indians against the whites.

At Fort Pitt, Kenton fell in with John Strader and George Yeager, with whom he journeyed southward as far as the mouth of the Kentucky river, returning later to the Kanawha where they fished and hunted until the spring of 1773, when Yeager was killed by the Indians while lying in camp with his companions. Kenton and Strader, almost in a state of nudity, fled to the forest, where they wandered in a starving condition for six days, at the end of which time they reached the Ohio river, where they met a party of hunters from whom they received food and other assistance. In 1773, Kenton joined a party, en route to the surveying camp of the Bullitt party. Finding this finally deserted, they concluded that the Indians had murdered the surveyors, and returned to Virginia with Kenton as guide. Kenton subsequently returned to Kentucky and became a scout and guide of inestimable value to those conducting expeditions against the Indians, or going out to meet marauding parties of the latter. During the Miami Indian war, which covered the period of his second return from Kentucky, he had acted as a spy for Lord Dunmore and General Lewis, performing active and useful service. Receiving an honorable discharge, he came back to his old camp on the Big Sandy river in Kentucky, where he fell in with one Thomas Williams, and, together, the two journeyed to a point near what is now Washington in Mason county, where they built a camp, cleared up ground and planted corn which they had received in exchange for furs sold to a French trader. The claim is made and probably correctly, that as a result of this planting Kenton and Williams ate the first roasting ears ever grown and eaten in Kentucky by white men.

While performing an act of service to unfortunate men who had lost their possessions by the overturning of their canoe, the camp of Kenton and Williams was plundered by Indians who captured with it a hunter named Hendricks, whom they burned at the stake after the pleasant savage custom of the day. Later, in company with Michael Stoner, Kenton quitted this camp and proceeded to Hinkson's station in what is now Bourbon county.

Subsequently Kenton, known to his associates as Butler, learned that the rival whom

he thought he had killed in Virginia, was not killed after all, but was very much alive and living happily with the young wife who had been the cause of the difficulty which had driven Kenton into exile. Kenton continued his useful services to the people until there was no longer any danger from the Indians. Like Daniel Boone, he made entries of land, but these two pioneers and genuine fighting men, knew more about Indian warfare than of the intricacies of the land laws of their day, and subsequently saw much of the land they had entered and which they supposed was their own, pass into the hands of others, leaving them nearly as poor, in all save experience, as when they first came into the primeval wilds.

Judge Lucius P. Little in his "Life of Ben Hardin," says that in 1825 Kenton came to Frankfort while the legislature was in session. "Seventy years old, poor, in tattered garments, mounted on a poor horse, the old pioneer entered the state capital, a stranger. He came seeking from the state that he had assisted so largely in reclaiming from the Indians, a release of some of his mountain lands from taxes. While wandering about the streets, a desolate, lonely old man, General Fletcher, the representative from Montgomery county, met and knew him. He lost no time in having him decently clothed and kindly entertained. Kenton quickly became the object of great and hearty attention. He was taken to the capital while the legislature was in session, placed in the speaker's chair and introduced as the second greatest adventurer of the west to a crowded assembly of legislators, judges, officers of government and citizens. The simple-hearted old man called it 'the proudest day of his life.' His lands, it is needless to say, were released."

It is not within the proposed scope of this work to give a complete resume of the attacks by the Indians upon the Kentucky outposts and the defense against them. It is the rather proposed to move on rapidly to the events connected with the later history of the state. So many were the incursions of small parties of Indians into the new settlements that an intimate relation of the incidents of each would carry this story far beyond the bounds set for it.

It has been stated elsewhere that a statement had been sent to the Governor of Virginia, that Colonel Clark was neglecting the interior stations and concentrating his forces for the defense of Louisville alone. This was an error, perhaps excusable, as the pioneers were unequal to understanding the combinations in the mind of Clark. They defended stations singly and bravely; he proposed not only to defend them with equal bravery, but to carry the war into the enemy's country and strike them blows of such severity that they would not again have the temerity to come within reach of the rifles of the Kentuckians. The pioneers fought detachments; Clark, a born soldier, fought the source of those detachments and so disintegrated them that they hesitated in their weakness to again risk themselves within the range of the riflemen of Kentucky.

Before concluding the story of the intermittent attacks by straggling Indians on the Kentucky settlements a reference must be made to any attack made by the Indians upon a party led by Col. John Floyd in Jefferson county, sixteen miles from Louisville. So serious had become the Indian attacks that Squire Boone, who had established a station upon Clear Creek in Shelby county, determined to abandon it and to remove to Beargrass near Louisville. While en route they were attacked by the Indians and dispersed with considerable loss on Long Run, eighteen miles from Louisville. Colonel Floyd, hearing of the disaster, hastily collected thirty men to pursue the Indians who, he supposed, would promptly retreat. His party was di-

vided into two bodies, one commanded by himself; the other by Capt. John Holden. The Indians had not retreated as Floyd expected, but had remained near the scene of their outrage upon Boone's party. They led Floyd into an ambuscade of two hundred or more and killed, wounded and scalped more than half of the command, the latter bravely holding their ground until they were driven back by the tomahawk, and forced to retreat. Perhaps ten only of the Indians were killed. Colonel Floyd, while retreating on foot and nearly exhausted, was met by Capt. Samuel Wells, with whom he was not on friendly terms. Wells promptly dismounted, assisted Floyd to mount his horse alongside of which he ran, holding Floyd in the saddle. It seems wholly unnecessary to state, as others have done that from that day Colonel Floyd and Captain Holden were friends.

The author may be pardoned for a personal reference at this point. The scene of Floyd's defeat is in full view of the spot on which he was born; on that unfortunate field stands today a monument erected by the state of Kentucky in honor of the brave men who fell in that battle. During the War between the States, this same author fought over the ground on which the forces of Floyd had met their savage enemies, but in this contest it was not the whites aaginst the reds, but the "grays" against the "blues;" and the writer while in the ranks of the former, could look into the open doors of his boyhood home, only a short distance away, and see, also, shells bursting over the ball-grounds of the school he had attended but a year before. It was a little bit hotter than any other ball game in which he had ever contested on those grounds and when the umpire called the game, on account of darkness, there was no protest from either the "Blues" or the "Grays." The score was nothing to nothing at the end of the ninth inning, and when the umpire so declared there seemed to be no one who was disposed to dispute his decision.

That the Indian depredations in Kentucky should be considered as having ended because they are to be no longer referred to herein, is not correct. They came many times afterwards, and did many deeds of violence, but their power had been broken, and their deeds were not of so serious a character as before. They never again held Kentucky in their grasp, and this narrative must hurry forward on the theory that no Indian will disturb or make us afraid. There are hundreds of families in the state today whose forefathers met and overcome the difficult problems of the early settlement of the state and who are entitled to have recognition in any history of the commonwealth. That the author of this work leaves out of consideration in that respect, his own people, who dared Indian depredations and helped to make the state, must be a part of his explanation for passing on to other incidents connected with the earliest history of Kentucky.

CHAPTER XVI.

Virginia's Gift to the Union—Cutting off of West Virginia—Danville Convention and Statehood—First Kentucky Assembly—Petitioning Virginia for Statehood—Assemblymen From Four Counties—"Committee of the Whole" Reports—Of Yesterday, Yet of Today—Address to Virginia Legislature—Bearers of the Address.

In 1781, Virginia, the splendid old Mother of States, offered to the acceptance of the Congress all the Northwest territory embraced within her charter, most of which had been won from the English and Indians by the genius of Clark, one of her vigorous sons, who, to the enthusiasm of the pioneer, united the genius of the soldier. This offer was accepted in 1784 when a formal deed of transfer was made and recorded. Marshall, in his history, says of this transfer:

"Thus, while emperors, kings and potentates of the earth fight, devastate and conquer for territory and dominion, the great state of Virginia peacefully and unconstrained made a gratuitous donation to the common stock of the Union of a country over which she had proposed to erect ten new states, as future members of the Confederation. And to her honor be it remembered, that the favorable change which took place in the state of public affairs from a doubtful contest to acknowledged independence, tainted not the purity of her motive, shook not the firmness of her purpose nor varied the object of her policy. She conceded the right of dominion while Kentucky remained her most remote frontier and the Ohio, instead of the Mississippi, her northwestern boundary. She had magnified herself and secured her place in the Union on which she relied, as on her own arm, for its protection and durability."

Reference has been made herein to the extent of territory given by Virginia to the Union and it may well be cited here in particularity. Kentucky, the first-born and best beloved child of the Old Dominion, comprises about forty thousand square miles.

Smith, in his interesting and unusually correct history of the state, thus states the extent of the other territory ceded by Virginia to the General Government:

States	Square Miles.
Ohio	39,964
Indiana	33,809
Illinois	55,414
Michigan	56,451
Wisconsin	53,924
Minnesota, east of the Mississippi	26,000
Total	265,562

Reduced to acres, this immense territory amounts to 169,959,680 acres, from sales of which the General Government has received over one hundred million dollars. Only Kentucky had been reserved; the remainder had been unreservedly donated to the Government.

And what was the reward Virginia received for the granting of this princely domain? In

the midst of war, when her fair fields resounded not to the step of the peaceful husbandman, but to the tread of the war-horse and the march of armed men, when she lay prostrate, the proud old state was robbed, by the Cæsarian process, of her mountains and her vales, and the pseudo state of West Virginia set up as a component part of the Federal Union. This rude process of forming a new state has been so long acceded to that it is not worth while now to discuss it further than to express the hope that no more states will be added to the Union by such a process. West Virginia is a prosperous state; a next door and much respected neighbor of Kentucky, but one may be pardoned for an expression of the belief that if she were Virginia instead of West Virginia she might be more beloved.

That the author, who was a Confederate soldier, and who may therefore be thought to write with a prejudice from which he has as honestly sought to divorce himself as he has from intruding his personality in this work, may excuse himself from the charge of feeling in this respect, he reproduces here what Mr. Blaine said in "Twenty Years in Congress" of the measure which robbed the Mother of Kentucky of so fair a portion of her domain:

"To the state of old Virginia the blow was a heavy one. In the years following the war it added seriously to her financial embarrassment, and in many ways obstructed her prosperity. The anatomy of Virginia was alone disturbed. Upon her alone fell the penalty for secession which, if due to one, was due to all. Texas and Florida retained their public lands at the close of the war. Why were not these and others despoiled? Mexico was helpless in our hands when conquered by this country; yet our high sense of justice would not permit the despoilment of our helpless neighbor. Fifteen millions were given her for the territory we wanted. We went even further than this in our magnanimity and assumed to pay four millions more of debts due by Mexico to our own citizens. Americans can but feel a deep personal interest in the good name and good fortune of a state so closely identified with the renown of the republic, with whose soil is mingled the dust of those to whom all states and all generations are debtors—the Father of His Country, the author of the Declaration of Independence, and chief projector of the national constitution, the purest and wisest of statesmen."

It would seem that after this quotation from Mr. Blaine, Kentucky, the eldest daughter of Virginia, might rest herself in peace and leave to the Mother State the determination of such questions as may yet exist between her and her western neighbor. What has here been written finds a reason therefor in the fact that so closely is the early history of Kentucky interwoven with that of Virginia that what effects the latter also touches the former. The daughter loves the mother with filial affection.

The people of Kentucky had now grown so numerous that the fear of Indian invasion was materially lessened and there grew a desire for an organization that should have more force politically than it had been possible to heretofore exhibit. They wanted self-government. Richmond, which had now become the chief city and capital of Virginia, was far distant, the difficulties of travel were great, and the necessities demanded that the District should have an independent government. They had not long to wait for a pretext for the step which would lead them to the end sought. Colonel Benjamin Logan was foremost among the real leaders of the district, a fearless soldier and something of a statesman; a man who was the progenitor of a line which has ever stood in the forefront in Kentucky in whatever direction its Scotch-Irish mind was turned. They were and are a sturdy, hard-headed, loveable line, who cannot be

turned from the point at which they believe the right lies, by any other means than a club wielded by one stronger than they. Colonel Logan learned in 1784 that the Cherokees and their allied tribes planned to invade the frontier of Kentucky to the south and that the Indians to the northward were to simultaneously move against that part of the district bordered by the Ohio river. There had been no recent Indian incursions other than those made by small bands of marauders acting on their own initiative, but this proposed invasion threatened seriously. Colonel Logan therefore called a meeting at Danville, before which he laid the information he had and asked for suggestions as to how best the threatened invasion could be met.

It was unanimously determined that a force should be raised to attack the Indians before the latter were ready for their proposed advance into Kentucky. Then came the discovery that there was no one in the district qualified to call the militia into service, for offensive measures. This put an end to the proposed incursion into the enemy's country, perhaps a fortunate circumstance, as it turned out, since the threatened Indian invasion never took place.

The Danville meeting, however, was of far-reaching importance. While it failed of the defensive purpose for which it was called, it proved that the district was in every way equal to defending itself but that there was no law to justify such action save that of self-defense when attacked. It was therefore determined to request Virginia to enact a law by which Kentucky should be enabled to organize as a state and to enter the Union when accepted by the congress.

These men at Danville had come together to confer as to the best means for defending their homes against savage attack; they concluded their deliberations by taking the steps which led after many delays and anxieties to placing another and a very bright star upon the flag of our Union.

This was merely the initial step towards Union, a step taken with "reverence for the law," as McElroy states it. Realizing that the body there assembled was without authority, a recommendation was published that on a given day each military company in the district should elect a representative to meet with others chosen in like manner at Danville on December 27, 1784, to "devise if possible, some means of preserving their country from that immediate destruction which seemed then impending." The suggestion was well received and on the day thus named, these chosen representatives met at Danville and at once proceeded to a consideration of the business for which they had assembled. There was a prolonged debate upon the advisability of a separation from Virginia, which was listened to by many auditors not members of the assembly. Though differing in many other respects, there was no difference of opinion that, whatever was done, it should be strictly in accordance with the laws of Virginia to which all gladly acknowledged allegiance. The final result of the deliberations was the adoption of a resolution providing that the citizens of Kentucky, at the next election of delegates to the Virginia legislature, should choose representatives who should meet in the following May with full power to petition the general assembly of Virginia for an act of separation, and through it, to petition congress for admission into the sisterhood of states.

On the 23rd of May, 1785, the "Second Assembly of Kentucky," met at Danville, the result of which meeting was the following resolutions:

"I. Resolved (unanimously), as the opinion of this convention, That a petition be presented to the assembly praying that this district may be established into a state separate from Virginia.

"II. Resolved (unanimously), as the opinion of this convention, That this district, when established into a state, ought to be taken into the Union with the United States of America, and enjoy equal privileges in common with said states.

"III. Resolved, That this convention recommend it to their constituents to elect deputies in their respective counties to meet in Danville on the second Monday of August next, to serve in convention and to continue by adjournment till the first day of April next, to take further under their consideration the state of the district.

"IV. Resolved (unanimously), That the election of the deputies for the proposed convention ought to be on the principle of 'equal representation.'

"V. Resolved, That the petition to the assembly for the assembling of this district into a state and the several resolves of the former and present conventions upon which the petition is founded, together with all other matters relative to the interests of the district that have been under their consideration, be referred to the future convention, so that such further measures may be taken thereon as they may deem proper."

This assembly seems to have hesitated at the performance of the duty it was called upon to perform and to have shown a desire to shift upon other shoulders the burden of its responsibility. The people, as is usually the case, were wiser than their representatives. They knew what they wanted. They knew that they were not protected by the government against the British in the posts they still held in the northwest; they heard vague rumors that the congress was about to surrender the free navigation of the Mississippi river for twenty-five years, which surrender, if accomplished, would destroy their every hope of commercial prosperity. They heard many other stories, most of which or all of them, were untrue, but all of which tended to produce a state of unrest. They thought if the general government would not or could not protect them in their personal or commercial interests, they might better "set up shop" for themselves and work out their own salvation. This was precisely the spirit which pleased the agents of Spain who sought to control the navigation of the Mississippi river and its tributaries with the rich trade they were soon to offer.

The three counties into which the district of Kentucky had been divided, Jefferson, Lincoln and Fayette, were increased in 1785 to four by the naming of the county of Nelson, which was constituted out of all that part of Jefferson county which lay south of Salt river —the stream which, in song and story, has been termed the final destination of the unsuccessful politician.

The members of the next convention were apportioned among these four counties and were named as follows:

Jefferson county—Richard Terrell, George Wilson, Benjamin Sebastian and Philip Barbour.

Nelson county—Isaac Cox, Isaac Morrison, Andrew Hynes, Matthew Walton, James Morrison and James Rogers.

Lincoln county—Samuel McDowell, George Muter, Christopher Irwin, William Kennedy, Benjamin Logan, Caleb Wallace, Harry Innes, John Edwards and James Speed.

Fayette county—James Wilkinson, James Garrard, Levi Todd, John Coleman, James Trotter, John Craig and Robert Patterson.

There were names among these that were to become historic. Harry Innes and George Muter were later to become chief justices of the court of appeals of Kentucky. James Wilkinson was that General Wilkinson who was at a later period alleged to be connected with what is termed "The Spanish Conspiracy," which in the end proved to be a fantastic failure. Caleb Wallace and Benjamin Sebastian were subsequently judges of the court of appeals. James Garrard was twice chosen governor of the new state of Kentucky.

On assembling the convention named Samuel McDowell as president. All papers referred by the former convention were committed to consideration by the convention in committee of the whole, which subsequently submitted a report as follows:

"Your committee having maturely considered the important matters to them referred, are of the opin-

ion that the situation of this district, upwards of five hundred miles from the seat of the present government, with the intervention of a mountain desert of two hundred miles, passable only at particular seasons and never without danger from hostile savages, precludes every idea of a connection on republican principles, and originates many grievances, among them we reckon the following:

"(1) It destroys every possibility of application to the supreme executive power for support or protection in cases of emergency, and thereby subjects the district to continual hostilities and depredations of the savages; relaxes the execution of the laws; delays justice and tends to loosen and dissever the bonds of government.

"(2) It suspends the operation of the benign influence of mercy by subjecting condemned persons who may be deemed worthy of pardon to tedious, languishing and destructive imprisonment.

"(3) It renders difficult and precarious the exercise of the first and dearest right of freemen,—adequate representation, as no person properly qualified can be expected, at the hazard of his life, to undergo the fatigues of long journeys and to incur burdensome expenses by devoting himself to the public service.

"(4) It subjects us to penalties and inflictions which arise from ignorance of the laws, many of which have their operation and expire before they reach the district.

"(5) It renders a compliance with many of the duties required of sheriffs and clerks impracticable and exposes those officers under the present revenue law to inevitable destruction.

"(6) It subjects the inhabitants to expensive and ruinous suits in the high court of appeals and places the poor completely in the power of the opulent.

"Other grievances result from partial and retrospective laws which are contrary to the fundamental principles of free government and subversive of the inherent rights of freemen—such as

"(First).—The laws for the establishment and support of the district court which, at the same time that we are subject to a general tax for the support of the civil list and the erection of public buildings, oblige us to build our own court houses and jails and other public buildings, by a special poll-tax imposed upon the inhabitants of the district, and leaves several officers of the courts without any special provision.

"(Second).—The law imposing a tax of five shillings per hundred acres of land previously sold and directing the payment thereof into the register's office at Richmond before the patents shall issue; the same principles which sanctify this law would authorize the legislature to impose five pounds per acre on lands previously sold by the government on stipulated conditions and for which an equivalent had been paid, and is equally subversive of justice as any of the statutes of the British parliament that impelled the good people to arms.

"(Third).—General laws partial and injurious in their operation. Such are these laws: Concerning entries and surveys on the western waters; concerning the appointment of sheriffs; for punishing certain offenses injurious to the tranquillity of this commonwealth.

"Which last law prohibits us, while we experience all the calamities which flow from the predatory incursions of hostile savages, from attempting any offensive operations; a savage, who unrestrained by any law, human or divine, despoils our property, murders our fellow-citizens, then makes his escape to the northwest side of the Ohio, is protected by this law. Now,

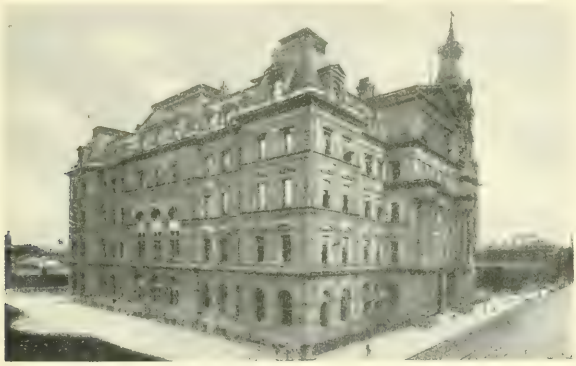
"Whereas, All men are born equally free and independent and have certain natural inherent and inalienable rights, among which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore,

"Resolved, That it is the indispensable duty of this convention, as they regard the prosperity and happiness of their constituents, themselves and posterity, to make application of the general assembly at the ensuing session for an act to separate this district from the present government forever, on terms honorable to both and injurious to neither, in order that it may enjoy all the advantages, privileges and immunities of a free, sovereign and independent republic."

The report and resolution met the unanimous approval of the convention.

To the reader of today there is a familiar sound in the sixth section of the report wherein it is stated that the existing conditions "place the unfortunate poor completely in the power of the opulent." It is a plaint as old as the time when men first began to hold property and more is the pity; it is a plaint that will be heard until time shall be no more. Lazarus and Dives have always existed and seem to be immortal.

The second of the grievances set forth in the latter portion of the report relative to taxes appeals to the citizen of today as it did to the sturdy old patriots who framed it. Serious as were the burdens against which they protested, they were trifles light as air when compared to the system of taxation which Kentucky bears as her "white man's burden" today, under the provisions of a constitution mistakenly approved by the people who "knew not what they did." Despite the efforts of better informed citizens, the legislature has steadily refused to give to the people an opportunity to right the wrong they unwittingly did the state and themselves when, at the polls, they endorsed an instrument about which they knew little save that it was new. It may be that some coming legislature may heed the just demand for a revision of the taxing system, but he who expects such action has indeed an optimistic spirit.



Custom House and Post Office, Louisville

As it was one of the important preliminary steps towards the formation of a state government and the final admission of Kentucky into the Union of States, the address of the convention to the legislature of Virginia, is given entire as follows:

"Gentlemen: The subscribers, resident in the counties of Jefferson, Fayette, Lincoln and Nelson, composing the district of Kentucky, being chosen at free elections held in these counties, respectively, by the freemen of the same for the purpose of forming a convention to take into consideration the general state of the district and expressly to decide on the expediency of making application to your honorable body for an act of separation, deeply impressed with the importance of the measure and breathing the purest filial affection, beg leave to address you on the momentous occasion.

"The settlers of this distant region, taught by the arrangements of Providence and encouraged by the conditions of that solemn compact for which they paid the price of blood, to look forward to a separation from the eastern parts of the commonwealth, have viewed the subject leisurely at a distance and examined it with caution on its near approach, irreconcilable as has been their situation to a connection with any community beyond the Appalachian mountains, other than the Federal Union; manifold as have been the grievances flowing therefrom, which have grown with their growth and increased with their population, they have patiently awaited the

hour of redress, nor even ventured to raise their voices in their own cause until youth, quickening into manhood, hath given them vigor and stability.

"To recite minutely the causes and reasoning which have directed and will justify this address would, we conceive, be a matter of impropriety at this juncture. It would be preposterous for us to enter upon the support of facts and consequences which we presume are incontestable; our sequestration from the seat of government, with the intervention of a mountainous desert of two hundred miles, always dangerous and passable only at particular seasons, precludes every idea of a connection on republican principles. The patriots who formed our constitution, sensible of the impracticability of connecting permanently in a free government, the extensive limits of the commonwealth, most wisely made provision for the act which we now solicit.

"To that sacred record we appeal. It is not the ill-directed or inconsiderate zeal of a few; it is not that impatience of power to which ambitious minds are prone, nor yet the baser consideration of personal interest which influences the people of Kentucky, directed by superior motives, they are incapable of cherishing a wish unfounded in justice and are now impelled by expanding evils and irremedial grievances, universally seen, universally felt and acknowledged, to obey the irresistible dictates of self-preservation and seek for happiness by means honorable to themselves, honorable to you and injurious to neither.

"We, therefore, with the consent and by the authority of our constituents, after the most solemn deliberation, being warned of every consequence which can ensue for them, for ourselves and for posterity unborn, do pray that an act may pass at the ensuing session of the assembly declaring and acknowledging the sovereignty and independence of this district.

"Having no object in view but the acquisition of that security and happiness which may be obtained by scrupulous adherence to private justice and public honor, we should most willingly at this time enter into the adjustment of the concessions which are to be the condition of our separation, did not our relative situation forbid such negotiation; the separation we request being suggested by necessity and being consonant to every principle of reason and justice, we are persuaded will be cheerfully granted and that we shall be as cheerfully received into the Continental Union on the recommendation of our parent state.

"Our application may exhibit a new spectacle in the history and politics of mankind—a sovereign power solely intent to bless its people, agreeing to a dismemberment of its parts in order to secure the happiness of the whole. And we fondly flatter ourselves from motives not purely local, it is to give birth to that catalogue of great events which, we persuade ourselves, are to diffuse throughout the world the inestimable blessings which mankind may derive from the American Revolution.

"We firmly believe that the undiminished luster of that spark which kindled the flame of liberty and guided the United States of America to peace and independence will direct the honorable body to whom we appeal for redress of manifest grievances, to embrace the singular occasion reserved for them by Divine Providence, to originate a precedent which shall liberalize the policy of nations and lead to the emancipation of enslaved millions.

"In this address we have discarded the complimentary style of adulation and insincerity. It becomes freemen, when speaking to freemen, to employ the plain, manly and unadorned language of independence, supported by conscious rectitude."

The curious student of history may find food for reflection in the last section but one of the above address, wherein the Virginia legislature is called upon "to embrace the singular occasion reserved for them by Divine Providence, to originate a precedent which will liberalize the policy of nations and lead to the emancipation of enslaved millions." It seems to be generally admitted by former historians that this address was written by Gen. James Wilkinson. No authority is found for a contrary opinion. What did he mean by the prediction that the desired action of the Virginia legislature would lead to "the emancipation of enslaved millions?" Was it mere literary flamboyancy used for effect, or did a prescience of future events guide the pen which wrote the resounding words? However this may be, the emancipation of the "enslaved millions" of colored slaves came in due time, though, if Wilkinson gave the sentence any more than a cursory thought when he penned it, it is not at all probable that he had in mind the comparatively few negro slaves at that time in the country.

To present the resolutions and address of the convention to the Virginia legislature, George Muter and Harry Innes were selected. In addition to offering these formal papers, they were instructed to use personal solicitation in favor of their adoption and to offer such verbal explanations of the situation in Kentucky as might tend to the creation of a sentiment in favor of the erection of the district into a state. These two gentlemen were well equipped for this honorable and important service, being men of fine intellect and culture and who, at a later date, rendered high service to the new state which their efforts had aided in creating.

CHAPTER XVII.

An Address to the People—Pen Picture of General Wilkinson—Thirty Thousand in Kentucky—Virginia Assents to Separation—Assembly Resolutions—Asks to Come Into the Union—Now Seven Counties—Congress Unresponsive—Indian Attacks Renewed—To the Mother of Kentucky—Death of Colonel Christian—Fourth Danville Assembly—Virginia Adopts New Measure—Could Wait; Also Fight.

Having completed consideration of the report and the address, the convention turned to an address to the people of Kentucky which, for the same reasons as above stated, is given in full as follows:

"*To the Inhabitants of the District of Kentucky*:—Friends and fellow countrymen: Your representatives in convention, having completed the important business for which they were specially elected, feel it their duty before they adjourn to call your attention to the calamities with which our country appears to be threatened. Blood has been spilled from the eastern to the western extremity of the district; accounts have been given to the convention from Post St. Vincennes, which indicate a disposition in the savages for general war; in the meantime, if we look nearer home, we shall find our borders infested and constant depredations committed on our property. Whatever may be the remote designs of the savages, these are causes sufficient to arouse our attention that we may be prepared not only to defend but to punish those who unprovoked, offend us. God and nature have given us the power and we shall stand condemned in the eyes of Heaven and mankind if we do not employ it to redress our wrongs and assert our rights.

"The Indians are now reconnoitering our settlements in order that they may hereafter direct their attacks with more fatal effect and we seem patiently to await the stroke of the tomahawk. Strange, indeed, it is that although we can hardly pass a spot which does not remind us of the murder of a father, a brother or a friend, we should take no single step for our own preservation. Have we forgotten the surprise of Bryan's or the shocking destruction of Kincheloe's station? Let us ask you—ask yourselves—what is there to prevent a repetition of such barbarous scenes? Five hundred Indians might be conducted, undiscovered, to our very threshold and the knife may be put to the throats of our sleeping wives and children. For shame! Let us arouse from our lethargy; let us arm, associate and embody; let us call upon our officers to do their duty and determine to hold in detestation and abhorrence and treat as enemies to the community every person who shall withhold his countenance and support of such measures as shall be recommended for our common defense. Let it be remembered that a stand must be made somewhere; not to support our present frontier would be the height of cruelty, as well as folly; for should it give way those who now hug themselves in security will take the front of danger and we shall in a short time be huddled together in stations, a situation in our present circumstances scarcely preferable to death. Let us remember that supineness and inaction may entice the enemy to general hostilities, while preparation and offensive movements will disconcert their plans, drive them from our borders, secure ourselves and protect our property. Therefore,

"Resolved, That the convention in the name and behalf of the people, do call on the lieutenants or commanding officers of the respective counties of this dectrict, forthwith to carry into operation the law for regulating and disciplining the militia, and

that the emergency does not admit of delay upon the part of anyone.

"Resolved, That it be recommended to the officers to assemble in their respective counties and concert such plans as they may deem expedient for the defense of our country, or for carrying expeditions against the hostile nations of Indians."

This address bears the marks of that addressed to the Virginia legislature and is assumed to have been from the same pen, that of Gen. James Wilkinson who later was to become notorious for his connection with the intrigues of Spain on the American continent.

Thomas M. Green, in his "Spanish Conspiracy," paints the following word portrait of General Wilkinson: "From his advent in Kentucky in 1784, as the active representative of a Philadelphia mercantile association, no man in the district exerted a more extended nor a more corrupting influence in its public affairs than Gen. James Wilkinson. Slightly under the average height, his form was yet a model of symmetry and grace and his manly and dignified carriage at once attracted the attention of every observer. If his brilliantly handsome face won instant admiration, his gracious manners no less pleased and invited confidence. While fitted by native talent to move in the most refined circles of American society he yet possessed and exerted all the arts which secure the favor of the multitude and excite the enthusiastic admiration of the vulgar. His command of language enabled him with ease to give to his ideas a forceful expression, while his full and musical voice was pleasant to the auditor. With an ardent and mercurial temperament, the fire of which was easily communicated to others, his gesticulation was at once animated and studied. With these genuine qualities of an orator, he had all the tricks of a popular declaimer. As a writer, he had precisely that order of talent which was most effective at the time and with those to whom his literary effusions were addressed. Dealing largely in exaggeration, yet most skillful in suppressions and in muddying the waters, his defense of himself before the courts-martial which tried him in 1809 and afterwards, was more adroit and not less ingenious than that made for his friends and coadjutors in intrigue. With real capacity for military command and love for the 'pomp and circumstance of war,' he was fertile in resources, invincible in energy and courageous in war. Constantly asserting the integrity of his own motives and boasting of his own love of truth, as well as of glory, he was not slow to resent by an appeal to the duello, if need were, any impeachment of his honor. And yet he was probably as utterly destitute of all real honor, as venal, as dishonest and as faithless as any man who ever lived. His selfishness was supreme and his self-indulgence boundless, while his knowledge of all that is mean and corrupt in mankind seemed intuitive. With an ambition that was at once vaulting and ever restless and a vanity that was immeasurable, to gratify the one and to offer incense to the other, he did not scruple to pander to the vices of his fellow-men to excite their cupidity and to tempt them to treason. An inappeasible craving for the adulation of the sycophantic impelled him to the most prodigal expenditures, to support an immodest hospitality and a vain-glorious state to which his ruined fortune was inadequate; he plunged heavily into debt and was then careless of his obligations, and to the pecuniary losses his extravagances occasioned to others he was indifferent."

Colonel Green was a man who used the English language with much discrimination. In making an inventory of farming implements a spade to him would be a spade and nothing more. His pen portrait of General Wilkinson is proof of that and as a mere literary exercise is well worth the space given it here. Later developments in the history of the state bring General Wilkinson again to the front, in the consideration of which it will be well

to keep in view the verbal photograph from Colonel Green's pen, though the latter was not without prejudices, which sometimes ran away with his judgment.

The memorial of the Danville convention was favorably received by the people of Kentucky who were constantly increasing in numbers and in the confidence of their capacity to protect themselves and their families from the depredations of the Indians. So great was this increase that on August 26, 1786, Madison county was organized as the fifth county of the district. This occurred at the home of Capt. George Adams, about two miles from the present site of Richmond. Justices of the peace were named at the same time and were commissioned as such by Patrick Henry, who was serving a second term as governor of Virginia. The defense of the new county was placed in the hands of James Barnett, as colonel of the militia. There were at that time about thirty thousand white people in the district.

In January, 1786, the Virginia assembly gave its assent to the proposed separation and thus a second important step was taken in the direction of statehood. But the people did not blindly rush forward into the proposed new condition. To the contrary, they prudently considered the steps yet to be taken, evidencing a more conservative view than had marked the action of the convention. The act of the Virginia legislature severing them from the parent state was calmly considered.

Smith, in his "History of Kentucky" from whom we now quote, says: "The preamble of the act referred to the express desire of the good people of the district of Kentucky that the same should be erected into a separate state and be formed into an independent member of the American Union; and the general assembly, judging that such a partition of the commonwealth was rendered expedient by the remoteness of the more fertile, which must be the most populous, part of said district, and by the interjacent natural impediments to a convenient and regular communication therewith, resolved as follows:

"Be it enacted, etc., That on the respective court days in August next ensuing, the free male inhabitants of the district of Kentucky shall elect representatives to continue in appointment for one year, with the powers and for the purpose to be mentioned in this act: For Jefferson, five; for Nelson, five; for Fayette, five; for Bourbon, five; for Lincoln, five; for Madison five; and for Mercer, five, to meet in Danville on the fourth Monday of September following to determine whether it be expedient that the district should be erected into an independent state on the terms and conditions following:

"(First).—That the boundary between the proposed state and the state of Virginia shall remain the same as at present separates the district from the residue of the commonwealth.

"(Second).—That the proposed state shall take upon itself a just proportion of the public debt of this state.

"(Third).—That all private rights and interests in lands within the said district derived from the laws of Virginia prior to such separation shall remain valid and secure, under the laws of the proposed state, and shall be determined under the laws now existing in this state.

"(Fourth).—That the use and navigation of the Ohio river so far as the territory of the proposed state or the territory which shall remain within the limits of this commonwealth lies thereon shall be free and common to the citizens of the United States.

"And if the convention shall approve of the erection of the district into an independent state, they are to fix a day posterior to the 1st of September, 1787, on which the authority of Virginia and her laws under the exceptions aforesaid are to cease and determine forever. Provided, however, that prior to the first day of June, 1787, the United States in congress shall assent to the erection of said district into an independent state."

This act was ordered to be transmitted to the Virginia delegates in congress with instructions to endeavor to secure from that body early and favorable action upon a measure admitting the new state.

It will be observed that in the act of separation, the Virginia legislature stipulated that the representatives of the district of Ken-

tucky should be elected by "the free male inhabitants" and Smith italicizes these four words, not having the fear of the suffragettes before his eyes. It seems that the women of Kentucky were deemed equal to bringing water to the besieged inmates of Bryan's station from a spring surrounded by painted savages, but in the matter of a separation of the district from Virgiina, they had no part, not being "free male inhabitants."

It will be observed in the order for an election that the number of counties in the district had been increased by the erection of Bourbon and Mercer counties the number thus reaching seven. These seven counties were thus brought into a prominence which they have ever since maintained in the excellence of their soil and the intelligence and integrity of their inhabitants.

It will be recalled that the constitution of the United States was adopted by the Convention September 17, 1787, and the application of Kentucky for the permission of Virginia to make formal application for admission into the Union, was therefore made before the organic bond of union had been adopted and accepted by the original states. The constitution was to become effective when ratified by nine of the states. On the 26th of June, 1788, Virginia by a vote of eighty-eight to seventy-eight ratified the instrument. New York followed the example of Virginia at a later date; North Carolina hesitated for two years and Rhode Island for three but finally all the states had acquiesced and the "Articles of Confederation and Perpetual Union" adopted November 15, 1777, by the Continental congress, were succeeded by a new Charter of Liberty, the Constitution of the United States, under the wise provisions of which the fringe of states along the Atlantic border have been expanded until it reaches from the Atlantic to the Pacific, and forty-eight stars now adorn the flag which originally bore but thirteen. May that majestic galaxy never again be disturbed by internecine strife, nor a star removed by attack from enemies without.

Kentucky's appeal did not at once secure responsive action from the congress. George Washington had become president; old things were passing away; new ones were taking their place when the congress met March 4, 1789. The eastern states were free from war and its alarms and so enjoyed the era of peace, after long years of strife, that ears which should have been keen of hearing were dulled to the dire tidings coming from the westward of the mountain ranges where the hardy pioneers were still the victims of savage atrocities. The people to the eastward were not callous; they were simply quiescent, and Kentucky seemed so far away that they were unable to appreciate the dangers and sufferings of the gallant spirits, the men and women, who, hourly taking their lives in their hands, were carving out of a savage wilderness a new commonwealth which was to add glory and honor to the Union in the near-by years. Colonel Smith, in his history, sums up the situation in this condensed and potent form: "The neglect and indifference shown but repeat the almost unbroken examples of folks bearing with patience and composure the ills and misfortunes of neighbors, provided those neighbors will bear all the griefs and privations of the same." Another philosopher has said, in effect, that we enjoy a certain degree of pleasure in hearing of the misfortunes of our friends. It is to be hoped that this latter philosopher is in error, but as this is an attempt at history and not a philosophical treatise, no attempt will be made to controvert the assertion.

Though the treaty of peace with Great Britain had been negotiated and signed in 1783, the English government had steadily refused to evacuate the posts held on the northwestern frontier, thus giving aid and comfort to their former savage allies, who, using these posts as bases of supplies, made frequent forays

upon the settlements west of the Appalachian range. Spain had looked with longing eyes upon Kentucky, hoping to add it to her domain upon the western continent. Her Machiavelian efforts to attain the desired end having failed of effect, the Indians to the south, no longer dreading Spanish restraint, renewed their attacks upon the whites. Thus Kentucky, as in later years, lay between two fires, each destructive, and against each of which she must battle alone, unaided by the newly-erected Federal government. Her people did battle and they won alone. It is now and has ever been a characteristic of the Kentuckian that he never knows when he is whipped. To a youthful Confederate soldier who came back to his Kentucky home after the surrender, his father said: "Well, my son, I told you before you went into the army that Mr. Lincoln would whip you."

"I beg your pardon, father, but Mr. Lincoln never whipped us; he simply beat us. Nobody can whip us."

In the seven years from the signing of the treaty of peace, from 1783 to 1790, fifteen hundred men, women and children were murdered by savages in Kentucky; to say nothing, in the face of such dire fatality, of the value of property destroyed. But no man or woman faltered. God bless the memory of the latter, for no nobler beings ever existed. "There were giants in those days." It is Kentucky's proudest boast that there were heroines in those days, and no belted earl of the monarchies of the Old World, can give to his descendants a prouder heritage than these brave women gave their sons who can say: "My mother was of the Kentucky pioneers." Witness the women of Bryan station; the splendid girls from Boonesborough who in captivity, marked their trail so that those who followed might the more easily discover them! Orders of nobility are of no avail in Kentucky. Every man in whose veins courses the blood of these pioneers, outranks the proudest duke who wears the Star and Garter. Upon his breast, if he would, he might wear the badge of a duty well performed, of a danger never evaded; of a motherhood never surpassed since the days of the Spartans. Some day, somewhere, in Kentucky, there will be erected a monument, imperishable as the memory of their deeds, to "The Mothers of Kentucky."

Congress hesitated but the savages did not. Their raids grew in number and in violence as they found opposition at certain points weakened. Colonel William Christian, an accomplished gentleman and soldier, led his troops against them and fell in action, dying a soldier's death; had he lived, the highest honors might have been his. He had served honorably in the disastrous Braddock campaign, had married the sister of Patrick Henry. He was a born soldier. After his honorable service in Virginia and elsewhere he came to Kentucky in 1785 and settled in Jefferson county and was constantly active in all military operations for the defense of the people. It has been suggested that had Colonel Christian not met the fate of a soldier, he would, in all probability, have been the first governor of the new commonwealth.

It is impossible to enumerate here the multiplicity of Indian depredations at this period, as it is equally impossible to give the full meed of praise to those brave spirits who met the savage forays and saved Kentucky to the white man. As has been stated elsewhere in this work, it was the savage hunting ground and they gave it up only after a struggle which proved that the white man was born to be the Indian's master and would never yield until that mastery had been accepted. Despite the atrocities of savage warfare, it is with a sort of sympathy that one contemplates the efforts of the untutored savage to preserve to himself and his children the heritage that had come down to him from his forefathers. They were here first, so far as the records show, but the

Anglo-Saxon will not be denied; his land hunger must be appeased. Today, he owns from the Atlantic to the Pacific and not yet satisfied, his flag flies in Hawaii, the Philippines and Porto Rico. Whether it will further extend its influence it is not the province of this work to say. It is enough to know that if it wants to go further, it will go.

During these Indian raids, Gen. George Rogers Clark, by authority of the Virginia legislature, led a force against the Indians on the Wabash but was unsuccessful. General Clark was sore in spirit because Virginia, as he thought, had not properly recognized his former successful military exploits. He had also, unfortunately, cultivated personal habits which interfered with his success as a commander.

Colonel Logan was more successful and taught the Shawnees a lesson never forgotten, which kept them ever afterwards away from Kentucky. In this expedition of Colonel Logan's success was dimmed by the loss of Captain Christopher Irvine, of Madison county, whose gallant impetuosity led him to his death at the hands of a savage enemy. While approaching a Shawnee village an old chief, named Moluntha, came out to meet the whites, bedecked in tawdry finery so dear to the savage heart. After passing successfully many of the whites who were amused at his display of finery, Moluntha, who had been at the slaughter at Blue Licks, approached Major McGary, who had, by his rashness, been responsible for the awful results of that battle. McGary asked if he had been at Blue Licks and when the old chief responded "Blue Licks," he drew his tomahawk and ruthlessly murdered him. It would have been well for Kentucky had McGary never entered its borders. He brought not only disaster at Blue Licks but dishonor in the Shawnee country.

Kentucky was marking out its destiny with the consent of Virginia: she was protecting her scattered settlements, but the congress, secure from savage alarms in Philadelphia, was sitting supinely by and doing nothing.

In the meantime, delegates were elected to the fourth convention called to meet at Danville in September, 1786. On assembling, it was found that so many of the delegates were absent on military duty that a quorum could not be obtained. Adjournment was had from day to day until January, 1787, when a sufficient number of delegates was present to proceed to business and a resolution was adopted to the effect that it was expedient for and the will of the good people of the district that the same should become a state separate from and independent of Virginia, upon the terms of the act hitherto referred to.

The legislature of Virginia in the meantime, had taken action on the original memorial and adopted a new measure annulling the first which fact was certified to the president of the Danville convention by a member of the legislature. This created discomfiture in the convention which adjourned, its members returning to their homes to await results.

A letter was received from a member of the Virginia legislature stating the reasons which induced the actions of that body which were in substance as follows:

First—That the original law, requiring a decision on the subject of separation in time, if adopted, for congress to determine on the admission of Kentucky into the Union before the first day of June, 1787, could not, in consequence of delay, be executed.

Second—That the twelve months allowed to the convention for other purposes, might, in the divided state of public opinion, involve difficulties, especially as there did not appear to be in the minority a disposition to submit to the will of the majority.

Third—That the proceedings of the convention would be subject to objections in consequence of defects in the law.

The preamble assigns as reasons for the act, the failure of the convention to meet and

the inpracticability of executing the law for want of time. It further expressed a continued disposition in the legislature to assent to the proposed separation. It enacts that at the August courts of the year 1787, the free male inhabitants of the district, in their respective counties, should elect five members for each county to compose a convention to be held at Danville on the third Monday in the ensuing September.

The 4th of July, 1787, was fixed as the limit within which congress was to express its assent to the admission of the proposed state into the Confederation. This action meant the postponment of the matter for an entire year. By the first act separation might possibly have occurred in 1787; by the second, it was postponed until 1789. The people were disappointed but not hopeless. Under the most favorable circumstances they could not enter the Union for two years and, recognizing the conditions surrounding the newly-formed Union, they realized that there might yet be other years of waiting. They could wait and they could also fight. Congress had made treaties with the Indians; the latter had ruthlessly disregarded them. The United States authorities paid no attention to these violations and the people of Kentucky found themselves neglected but by no means helpless or hopeless. When there was fighting against the Indians necessary, there was no lack of fighting men from Kentucky. Congress might delay the matter of admission; meanwhile Kentncky, as occasion offered, was giving practical demonstrations of its fitness to be a member of the sisterhood of states. The patience with which Kentucky awaited the act of justice was only equalled by the equanimity with which it met every difficulty and the bravery with which, for years, it combatted the savage enemies whose bitter attacks were constantly met with unremitting regularity.

CHAPTER XVIII.

Wilkinson, the Discord Sower—Free Navigation of the Mississippi—Spanish Designs Narrowly Averted—Wilkinson's Stumbling Block.

In this hour of doubt and uncertainty, the tempter came to Kentucky. The attempt at self-government was an experiment. Men doubted if a Republican form of government could continue to exist; the constitution was a venture into new fields and was yet to be tested and it is not to be wondered at that there were doubters, some who predicted failure. It will not be forgotten that there were men who wished that Washington should be a king rather than a president. The men who dreamed of a successful republic never despaired. Almost, they believed the Federal constitution to be an inspired instrument; never for a moment did they fail in the belief that Divine Providence was watching over the new land and that, in the end, all would be well with it and them. But, at the same time, they kept their powder dry and were in a constant state of defense against their savage foes.

But they were not without resentment at the delay attendant upon their admission to the Union. With their blood and treasure they had taken the new territory from the savages, had defended it against countless attacks, and could see no good reason why their hopes for statehood should be disappointed. Gen. James Wilkinson, who had sat as a delegate in the Danville convention, boldly and defiantly declared himself in favor of the immediate separation of Kentucky from the parent state and the setting up of an independent government for the time being. It is not improbable that when this proposal was made, Wilkinson was already in correspondence with the Spanish authorities in the south or was courting such correspondence and such financial offers as might result therefrom. Wilkinson had served in the war with England; was largely engaged in commercial pursuits and by his plausible manner, had ingratiated himself into the good opinion of far better men than himself, thus giving him perhaps as great an influence as was possessed by any man in Kentucky.

At the time when Wilkinson was sowing the seeds of discord, there was forwarded to Kentucky from a body of men at Pittsburg, styling themselves "A Committee of Correspondence from Western Pennsylvania," a communication stating as follows: "That John Jay, the American secretary for foreign affairs, had made a proposition to Don Gardoqui, the Spanish minister to the United States, to cede the navigation of the Mississippi river to Spain for twenty-five or thirty years, in consideration of some commercial advantages to be granted to the United States, but such as the western country could derive no profit from."

Immediately thereafter and in response thereto, a circular letter was sent to the people of Kentucky as follows:

"Danville, Kentucky, March 29, 1787.

"A respectable number of the inhabitants of the district having met at this place, being greatly alarmed at the late proceedings of congress in proposing to cede to the Spanish court the navigation of the Mississippi river for twenty-five or thirty years, have directed us to address the inhabitants on the western waters and inform them of the measures which it is proper for this district to adopt. The inhabitants of the several counties in this district will be requested to elect five members in each county to meet in Danville on the first Monday in May to take up the consideration of this project of congress, to prepare a spirited but decent remonstrance against the cession; to appoint a committee of correspondence and communicate with one already established on the Monongahela, or any other that may be constituted; to appoint delegates to meet representatives from the several districts on the western waters in convention, should a convention be deemed necessary, and to adopt such other measures as shall be most conducive to our happiness.

"As we conceive that all the inhabitants residing on the western waters are equally affected by this partial conduct of congress, we doubt not but they will readily approve our conduct and cheerfully adopt a similar system to prevent a measure which tends to almost a total destruction of the western country. This is a subject which requires no comment; the injustice of the measure is glaring, and as the inhabitants of this district wish to unite their efforts to oppose the cession of the navigation of the Mississippi with those of their brethren residing on the western waters, we hope to see such an exertion made upon this important occasion as may convince congress that the inhabitants of the western country are united in the opposition and consider themselves entitled to all the privileges of freemen and all those blessings procured by the Revolution, and will not tamely submit to an act of oppression which would tend to a deprivation of our just rights and privileges.

(Signed)

George Muter,
Harry Innes,
John Brown,
Benjamin Sebastian."

These letters having been sent to each county, the feeling against congress was increased though it is difficult to understand why Kentucky as a state, would have more freedom from Indian forays than as a district, unless congress had intervened and sent troops to aid in the defense of the people. But the free navigation of the Mississippi river was threatened and the pioneers of Kentucky, noting the great increase of population, recognized that they were about to be cut off from a future market and that freedom of access thereto was to be at the will of a foreign government. They had too recently been relieved from the thraldom of King George of England to willingly accept the yoke of Spain. There was stern opposition to the proposal of Don Gardoqui, the Spanish minister, but the proposed delegates to the convention were chosen without undue excitement. They met in due time at Danville and after considering many propositions, adjourned without taking action upon the question at issue. Smith, in his "History of Kentucky," gives the following fair resume of the situation at that time:

"As early as the 28th of June, 1785, the arrival of Don Gardoqui had been announced to congress, with plenipotentiary powers to treat on behalf of his majesty with any person or persons vested with equal powers by the United States, on the subjects in controversy.

"The Hon. John Jay, then being the secretary of the United States for foreign affairs, received from congress a similar commission, and a negotiation was opened between these ministers in New York. The caution of congress had inserted in the commission of Mr. Jay these words: 'That he enter into no treaty, compact or convention whatever with the said representative of Spain which does not stipulate the right of the United States to the navigation of the Mississippi river and the boundaries as established by the treaty with Great Britain.'

"More than half a year had elapsed before

congress had any communication as to the progress of the negotiation. Difficulties were at length announced by the American minister on the subjects of treaty. He was called before congress and explained by reference to the navigation of the river which was claimed exclusively and justly by Spain within her territories, and further by presenting to view the project of a commercial treaty containing, as he contended, advantageous stipulations in favor of the United States, in consideration of which it was proposed that they should 'forbear the use of the navigation of the Mississippi for twenty-five or thirty years.' He urged the adoption of this project as a beneficial one for the United States; said that a stipulation to forbear the use on the part of the United States, accepted by Spain, was an admission on her part of the right; that, in fact, the United States were in no condition to take the river or force the use of it, and, therefore, gave nothing for the benefits they would derive from the proposed treaty, not otherwise to be effected, for the use of the nation.

"Under this view of the subject, the seven most eastwardly of the states voted to rescind the ultimata in the secretary's instructions, and it was, of course, so entered on the journal, the other states dissenting. It, however, required the concurrence of nine states to give an instruction; therefore, none was given. The case had been debated; the strength of the party for the treaty had been tried and found wanting. The project had failed, most happily for the Union."

Jay, who had formerly rendered great service to his country, was under the ban in the protesting states. The excitement was very great and there was a possibility that had nine instead of seven states joined in supporting his plans, the protesting states would have seriously considered the propriety of withdrawing from the confederation which they could probably have done without meeting the resistance from the remaining states which followed the withdrawal of the southern states from the Union many years later. Virginia was the most earnest of those states opposing Jay's plans, and by a unanimous vote of her legislature instructed her delegates in congress never to accede to any such proposition, and was warmly seconded by the other nonconcurring states.

General Wilkinson, urged on by an unappeasable ambition, saw, in the situation, his opportunity and was sustained by many men of purer minds and less ambition. The people felt that they were neglected, and, driven to desperation by Indian forays and the discomforts attendant upon the development of a new land, seemed almost ready to dissolve all allegiance to the new government and set up for themselves. But they were never ready to form an alliance with any foreign government. They were, first of all things, Americans and such they would remain, whether members of the Union or citizens of an independent state. Wilkinson was able and plausible but not able enough nor plausible enough to lead astray the brave men and women about whose homes in the wilderness, the flowers of beauty, the harvests of prosperity were beginning to grow.

CHAPTER XIX.

"The Kentucky Gazette"—Another Plea for Admission—Wilkinson Founds Tobacco Trade—First Kentucky Congressman—Many Attempts at Separate Government—Admission Again Postponed—Spanish Siren Sings to Brown—Letter from Chief Justice Muter—Judge Innes Drops a Hint.

A new chapter was written in Kentucky history at this moment, a chapter which has been duplicated very many times. On the 28th of August, 1787, John Bradford began at Lexington the publication of *The Kentucky Gazette,* the first newspaper published in Kentucky. It was a modest affair, appearing first on a half-sheet, but almost immediately afterwards increasing in size; later becoming still larger. It was a boon to the better informed men of the day, as it gave them an opportunity to display their powers as controversialists. At once, its columns were filled with discussions for and against separation and those of today who have imagined our forefathers to have been but poorly educated and crudely informed would have the impression removed by an examination of the files of this pioneer newspaper of the west.

September the 17th the convention reassembled at Danville nearly all the members being present. It was decided, unanimously, after brief discussion, that it would "be expedient for the good people of the district that it should be separated from the rest of the state (Virginia) upon the terms and conditions prescribed by law."

An address to congress was prepared, that body being requested in respectful manner, to admit the new state into the Union by the name of Kentucky. The last day of December, 1788, was fixed as the date upon which the authority of Virginia should cease and that of the new state begin.

It was also agreed that at the respective court days in the various counties in the following April, representatives should be chosen who should continue in office until December 31, 1788, their election to be by the free male inhabitants of each county; the usual number of five delegates from each county being provided for. After making these provisions the convention adjourned and thus one more of the tedious steps towards statehood had been taken.

It appears that the chief industry of the district at this period consisted of the election of delegates and the holding of conventions. But the end justified the means. Through many difficulties and, on the part of congress, unjust delays, the district finally came to its own, though it was not yet to be.

General Wilkinson was always to be reckoned with. His ambitious dreams spurred him on, as did his avaricious fondness for Spanish gold. In June, 1787, he had gone to New Orleans with a cargo of tobacco and other Kentucky products. While in New Orleans, as he afterwards stated, he made arrangements with the Spanish General Miro,

for the introduction of several thousand families into Florida or, failing that, for a colony along the Arkansas and White rivers, in what was then recognized as Spanish territory. He also claimed to have secured a concession for furnishing an annual supply of tobacco for the markets of Mexico, all of which promised rich financial returns to himself and his associates. To justify these appeals to the pocket nerve of the people, Wilkinson exhibited the permits of the Spanish general. This action of Wilkinson was entirely legitimate. He was establishing a market for the products of the district, as any man had a right to do, and all would have been well had he gone no further. It was claimed by many that he had renounced his citizenship and become a subject of the Spanish king, in return for the concessions granted him. Wilkinson admitted that he had the contracts and boasted of the privilege of free storage in the Spanish warehouses, but was shrewd enough to ignore the charge that he had become a Spanish subject. By continuing the purchase of tobacco he popularized himself with the people, adding to the prestige thus gained by keeping continually before them the great value of the free navigation of the Mississippi and of commercial connection with Spain.

About this time, the Kentucky delegates to the Virginia legislature were instructed by the convention at Danville to ask for a representative in congress, the population of the district having increased to an extent justifying such request. Under this recommendation the Hon. John Brown, of Danville, was chosen as the first delegate from the district of Kentucky in what may be termed the old congress, in contradistinction to that which assembled after the ratification of the constitution by a sufficient number of the states.

The following statement of conditions and events at that time is from the writings of Butler, a fair-minded and intelligent observer:

"On the 29th of July of this year (1789), the sixth convention met at Danville to form a constitution of government for the district, preparatory to its separation from Virginia. While this body was assembled, information was received that congress had determined to refer the question of admitting Kentucky into the Union to the new government. This was indeed a cruel blow to the excited hopes of independent government, so repeatedly voted by Kentucky and as often assented to by Virginia. It is not a matter of wonder that there was now observable the most deep-felt vexation, a share of resentment bordering on disaffection and strong symptoms of assuming independent government. The navigation of the Mississippi and the trade to New Orleans, now just tested for the first time, were strenuously pressed into the argument in favor of completing the constitution and organizing government without delay. It was even proposed to submit the state of the district and the course to be pursued to each militia company. This proposition was, by a large majority, most judiciously rejected. The body came, after protracted debate, to the following recommendation:

"That the people of the district should elect another assembly to meet in November and to continue in office until the first of January, 1790, 'that they delegate to their said representatives full power to take such measures for obtaining admission of the district as a separate and independent member of the United States of America and the navigation of the Mississippi as may appear most conducive to those purposes, and also, to form a constitution of government for the district and organize the same when they judge it necessary, or to do and accomplish whatsoever, on consideration of the state of the district may, in their judgment, promote its interest.'

"From the breadth and plenipotentiary character of this commission, like that of a Roman dictator, the temper of the district may be inferred; nor can there, in the whole his-

tory of American government, be found a career of such multiplied disappointments and abortive assemblies as in the labors of Kentucky to be admitted into the Union. All parties appear to have been well disposed; still, as if under the influence of some enchantment, consent was given but to be repealed; act was passed after act, and assembly met after assembly, only to give birth to a successor as remote as ever from obtaining what had been the favorite object of the people for years. Had a domestic government been organized after the repeated and harmonious co-operation of the great contracting parties, it is not to be supposed that it would have been so technically misconstrued as to have been viewed as treasonable to Virginia or hostile to the Union, owing to repeated and unavoidable accidents. The magnanimous temper of Virginia would have cured everything. Should any such unjust imputation have been placed upon the proceedings of Kentucky, it must soon have been removed by their fidelity, had it been, as it is believed it was, immovably fast to the confederacy of their countrymen. Vermont continued without the pale of the Union during the whole of the Revolutionary war and until March, 1791; yet no indictment was brought against her for treason. At this distance of time, the protracted delays and repeated public disappointments on this question seem truly inexplicable. It is not known to what else to compare our long succession of fruitless conventions than to the card edifices of children which are no sooner erected than at a breath they are demolished. The assertion may be safely ventured that no sober political critic of the present day can believe that any community in these states would now be so trifled with and tantalized as the people of this district were for eight years in obtaining a separate municipal existence.

"Some auxiliary resolutions for directing the election of the seventh convention closed the labors of this addition to the numerous and ineffectual assemblies. So excited had public feeling in Kentucky become in consequence of this provoking course of things that disunion seems to have been at least proposed as its 'idea was formally combatted in the public prints of the time while nothing more open or formal than the acts of the convention is recollected in its favor.

"As it has before been stated, the separation of Kentucky from Virginia was an agreed case between the high parties, the difficulty was one of form and accident only. In such a state of things, it would have been cruel mockery and iniquity in Virginia to have so far misrepresented a separation of Kentucky, which had been the subject of repeated and mutual agreements, as to have considered it treasonable. The jealousy of the country could not, however, have been too keenly excited against any attempt at foreign independence; it is never admitted into the creed of an enlightened patriot until the last extremity of domestic misfortune, and even then to be most sleeplessly watched."

But there was to be yet other delay trying to the patience of Kentucky. Marshall's history thus refers to the proceedings in congress: "Hon. John Brown, as early as February, had introduced the address of the district convention requesting the assent of congress to Kentucky's admission into the Union. On the morning of the 3d of July—the 4th of July being the limit prescribed for obtaining the assent of admission on the part of congress—some weeks after the Virginia convention had been in session and some days after it had in fact, ratified the Federal constitution, the motion of Mr. Brown was taken up for the last time and ultimately postponed for the reasons subjoined:

"Whereas, application has been lately made to congress by the legislature of Virginia and the district of Kentucky for the admission of the said district into the Federal Union as a separate member thereof on the terms contained in the acts of the

said legislature, and in the resolutions of the said district relative to the premises; and

"Whereas, congress having fully considered the subject, did, on the 3d day of June last, resolve that it is expedient that the said district be erected into a sovereign and independent state and a separate member of the Federal Union, and appointed a committee to report an act accordingly, which committee on the 2d instant was discharged, it appearing that nine states had adopted the constitution of the United States lately submitted to conventions of the people; and

"Whereas, a new confederacy is formed among the ratifying states, and there is reason to believe that the state of Virginia, including the said district, did, on the 26th of June last, become a member of said confederacy; and

"Whereas, an act of congress, in the present state of the government of the country, severing a part of said state from the other part thereof and admitting it into the confederacy, formed by the articles of confederation and perpetual Union, as an independent member thereof, may be attended with many inconveniences, while it can have no effect to make the said district a separate member of the Federal Union formed by the adoption of the said constitution; and

"Therefore, it must be manifestly improper for congress, assembled under the said articles of confederation, to adopt any other measures relative to the premises than those which express their sense that the said district, as a separate state, be admitted into the Union as soon as circumstances shall permit proper measures to be adopted for that purpose."

Mr. Brown, representative from the district of Kentucky, recognizing the selfish, antagonistic spirit of the representatives from the north and east, was convinced that admission to the Union was to be long delayed.

While in this spirit, he was approached by the wily Spanish minister, Gardoqui, who sought to impress upon him the importance of independent existence for Kentucky with free navigation of the Mississippi and exclusive trade with Spain. The efforts of General Wilkinson and the results of his commerce through the port of New Orleans, had not been without effect in Kentucky, and Brown was not unwilling to listen to the siren Spanish song. Of the events of that period, Marshall has written bitterly as a political enemy of Brown; at a later period, his kinsman, Green, took up the burden of his plaint and bore it along in his "Spanish Conspiracy." Smith, a true conservative and amiable historian, devoid of prejudice, modifies Marshall in the following continuation of the incidents connected with the failure of Kentucky to secure admission to the Union:

"To President McDowell, of the Kentucky convention of July, Mr. Brown wrote soon after the action of congress, giving an account of his labors and disappointments to which he added his own reasons for his failure. In this letter was inclosed a detached strip in these words:

" 'In a conversation I had with Mr. Gardoqui, the Spanish minister, relative to the navigation of the Mississippi river, he stated that if the people of Kentucky would erect themselves into an independent state and appoint a proper person to negotiate with him, he had authority for that purpose and would enter into an arrangement with them for the exportation of their produce to New Orleans on terms of mutual advantage.'

"This is not the only letter written by Mr. Brown about the same time to Kentucky. He recollected that Judge Muter had joined with him in March, 1787, in sending forth the circular address to the courts on the subject of the Mississippi, and favored him with one of his epistles containing an introduction of his new acquaintance, Don Gardoqui. Although Muter could not be called a great man, yet he disliked the intrigues of political partisans and was alarmed, on the perusal of Mr. Brown's letter, to find him engaged with a foreign minister, which directly implicated the peace of Kentucky and the preservation of the Union. Under the circumstances, it was impossible for him not to combine the views disclosed by Mr. Brown with those manifested by General Wilkinson in the late convention. This coin-

cidence of objects naturally suggested a concert of means to effect them and pointed out the danger as being imminent. This led him to Colonel Marshall, and was his inducement for showing the letter with which he had been honored by Mr. Brown. The community was seriously affected with anti-Federalism and the mania of national dissolution, when its representatives in convention could pass and send out to it the propositions which have been detailed, as the basis of authority for another convention to throw Kentucky out of the Union, if it pleased, and to enter into arrangements with Spain, who had refused the United States a treaty for the navigation of the Mississippi river, without exciting a much more general disapprobation than was apparent. And when to this reflection is added the fact that the greater number of the leaders in the former convention were again elected, and that Mr. Brown, having returned to the district, was, himself, elected a member of the same, there seems but little reason to doubt that a large proportion of those who gave tone to public opinion, were of the party of Wilkinson and Brown from the July to the November convention of this year.

"The letter to Judge Muter from Mr. Brown follows:

"NEW YORK, July 10, 1788.

"'Dear Sir: An answer to your favor of the 10th of March was, together with several other letters, put into the hands of one of General Harmar's officers, who set out in May last for the Ohio, and who promised to forward them to the district, but I find that they have miscarried, as I was informed a few days ago, that his orders had been countermanded and that he had been sent to the garrison at West Point. Indeed, I have found it almost impracticable to transmit a letter to Kentucky, as there is scarcely any communication between this place and that country. A post is now established from this post to Fort Pitt to set out once in two weeks after the 20th instant; this will render communication easy and certain. Before this reaches you, I expect you will have heard the determination of congress relative to the separation of Kentucky, as a copy of the proceedings has been forwarded to the district by the secretary of congress a few days ago. It was not in my power to obtain a decision earlier than the 3d instant. Great part of the winter and spring there was not a representation of the states sufficient to proceed to this business and after it was referred to a grand committee they could not be prevailed upon to report, a majority of them being opposed to the measure. The eastern states would not, nor do I think they ever will, assent to the admission of the district into the Union as an independent state, unless Vermont, or the province of Maine, is brought forward at the same time. The change which has taken place in the general government is made the ostensible objection to the measure, but the jealousy of the growing importance of the western country and the unwillingness to add a vote to the southern interest are the real causes of opposition, and I am inclined to believe that they will exist in a certain degree, even under the new government to which the application is referred by congress. The question which the district will now have to determine upon will be: Whether or not it will be more expedient to continue the connection with Virginia, or to declare their independence and proceed to form a constitution of government. It is generally expected that the latter will be the determination, as you have proceeded too far to think of relinquishing the measure, and the interest of the district will render it altogether inexpedient to continue in your present situation until an application for admission into the Union can be made in a constitutional mode to the new government.

"'This step will, in my opinion, tend to preserve unanimity and will enable you to adopt with effect such measures as may be necessary to promote the interest of the district. In private conferences which I have had with Mr. Gardoqui, the Spanish minister at this place, I have been assured by him in the most explicit terms that if Kentucky will declare her independence and empower some proper person to negotiate with him, he has authority and will engage to open the navigation of the Mississippi for the exportation of their produce on terms of mutual advantage; but that this privilege never can be extended to them while a part of the United States, by reason of commercial treaties existing between that court and other powers of Europe. As there is no reason to doubt the sincerity of this declaration, I have thought proper to communicate it to a few confidential friends in the district, with his permission, not doubting but that they will make a prudent use of the information—which is in part confirmed by dispatches received yesterday by congress from Mr. Carmichael, our minister at that

court (Spain), the contents of which I am not at liberty to disclose.

"'Congress is now engaged in framing an ordinance for putting the new government into motion; it is not yet complete, but as it now stands the elections are to be made in December and the new congress to meet in February, but it may undergo alterations. Ten states have ratified—this state, New York, is now in session; what the result of their deliberations will be is yet doubtful; two-thirds of the members are opposed, but it is probable they may be influenced by motives of expediency. North Carolina will adopt; time alone can determine how far the new government will answer the expectations of its friends; my hopes are sanguine; the change was necessary.

"'I fear, should the present treaty at Muskingum prove successful, that we shall have an Indian war on all our borders. I do not expect the present congress will, in that case, be able to take any effectual measures for our defense.

"'There is not a dollar in the Federal treasury which can be appropriated to that purpose. I shall leave this place shortly and expect to be at the September term. I have enjoyed my usual good health and have spent my time here agreeably.

"'I am with great esteem.

"'Your humble servant,

"'J. Brown.'"

"A letter bearing date the 15th of October, 1788, from George Muter, the chief justice of the district, will evince his impressions of the actual and probable emergency. It is apparent that the conservative parties were much concerned. Justice Muter says: 'Forming a constitution of government and organizing the same, before the consent of the legislature of Virginia for that purpose first obtained, will be directly contrary to the letter and spirit of the act of assembly, entitled "An Act for punishing certain offenses and vesting the governor with certain powers," which declares that every person or persons who shall erect or establish government separate from or independent of the state of Virginia within the limits thereof, unless by act of the legislature for that purpose first obtained, or shall exercise any office under such usurped government, shall be guilty of high treason.

"'The third section of the fourth article of the constitution expressly declares "that no new state shall be formed or erected within the jurisdiction of another state; nor any state be formed out of the junction of two or more states without the consent of the legislatures of the states concerned as well as of congress." Therefore, the consent of Virginia to the separation must first be obtained agreeably to the above-cited section, to afford Kentucky any prospect of being admitted a member of the Federal Union.

"'In the tenth section of the first article of the Federal constitution it is declared "that no state shall enter into any treaty, alliance or confederation." Of course, it must follow that no part of a state can enter into any treaty, alliance or confederation.

"'The resolution of the late convention, if adopted by the people, might fairly be construed to give authority to the next to treat with Spain to obtain the navigation of the Mississippi, if they should think such a measure conducive to their interest; when it might plainly appear by the before-cited section that any other application than to the assembly of Virginia and to the congress of the United States, must be contrary to the Federal constitution.

"'It is, therefore, submitted to the citizens of Fayette whether it may not be necessary in their instructions to their delegates, to direct them not to agree to the forming of a constitution and form of government and organizing the same, until the consent of the legislature of Virginia for that purpose is first obtained; not to agree to make any application whatever to obtain the navigation of the Mississippi other than to the legislature of Virginia and the congress of the United States; to draw up and forward to the assembly of Virginia a memorial requesting them to alter their acts for the separation of this district

from Virginia, that the same may be brought before Congress in the manner directed by the Federal constitution, and to request them to authorize the convention by law to form a government and to organize the same, or direct a new convention to be chosen to continue in office a reasonable time and to be vested with those powers.

"'To forward to the assembly of Virginia and the Congress of the United States a decent and manly memorial, requesting that such measures may be pursued by congress, or that Virginia will use her influence with congress to take such measures as shall be most likely to procure for the people of the western country, the navigation of the Mississippi.

"'(Signed) GEORGE MUTER.'"

The delay of congress and the long suffering of the people did not tend to allay the desire for an independent government if speedy relief were not obtained. Some Indians from southern tribes committed murders and other outrages in Lincoln county and were pursued and properly punished by the settlers. The tribe to which they belonged complained that the white people were the first aggressors, and demanded reparation from the governor of Virginia who instructed Judge Harry Innes to suppress the practices complained of by the Indians by public prosecution.

To this order Judge Innes replied: "In my official capacity, I cannot do it; in a private capacity, the attempt would make me odious." In the opinion of the learned judge it is fair to assume that the only good Indian was a dead Indian. Concluding his letter he says: "The Indians have been very troublesome on our frontier and continue to molest us. I am decidedly of the opinion that this western country will, in a few years, act for itself and erect an independent government; for, under the present system we cannot exert our strength; neither does congress seem disposed to protect us, since those troops raised for the defense of the western country are disbanded. I have dropped this hint to Your Excellency for matter of reflection."

CHAPTER XX.

Seventh Convention Meets—Revolution Proposed—Wilkinson and a Free Mississippi—Congressman Brown to the Front—Address to Spanish Intendant—"Court" Party in Power—Wilkinson and the Mississippi—Old-Time Address to Virginia.

The people were in a state of unrest. Seven times they had chosen delegates to conventions yet no tangible results had followed. They seemed to be as far from statehood as when they began, and the future held but slight hopes for better success. It is not surprising that some good men favored the setting up of an independent government which promised free navigation of the only river which offered them a market for their products. It is not a fair statement to call these men traitors. That is an easy word to speak but a hard one to bear, as many Kentuckians were to learn in years to come. There were corrupt men in the state; men whose palms had been crossed with Spanish gold, but the masses were then as now, incorruptible.

In November, 1788, the seventh convention met at Danville. There was a curious yet suggestive political division of delegates. Some new faces appeared at this meeting, among them Humphrey Marshall and Thomas Marshall. There, too, were Muter, Crockett, Allen and Edwards, who, with the Marshalls, were termed the "country" party, while John Brown, General Wilkinson, Sebastian and Harry Innes were known as of the "court" party; a somewhat sinister designation, since it implied an alliance or understanding with the court of Spain which was, so far as it referred to some of those named, a possible injustice. That the designation fitted Wilkinson and Sebastian there is but little doubt, since after developments showed each to have been in the pay of the Spanish government.

The chief issue before the convention was the method to be followed in separating from Virginia. This question was brought to a direct issue by a motion to submit the resolutions of the sixth convention to the committee of the whole. The "court" party was in favor of this reference and sought to force to the front the question of the navigation of the Mississippi and the formation of a constitution, with or without the sanction of Virginia. This was revolution, pure and simple, since it was in defiance of the provisions of the Federal constitution to which Virginia had given its approval and, as the district was still a part of Virginia, it was included in that approval.

The question at issue was of great moment, and was pressed earnestly and eloquently by General Wilkinson who had golden reasons to urge him on. Marshall, who had no sympathy with Wilkinson or his views, represents the latter to have said in the discussion: "Spain had objections to granting the navigation in question to the United States; it was not to be presumed that congress would obtain it for Kentucky, or even the western country only; her treaties must be general. There was one way and but one, that he knew of, for obviat-

ing these difficulties, and that was so fortified by constitutions and so guarded by laws that it was dangerous of access and hopeless of attainment under present circumstances. It was the certain course, which had been indicated in the former convention, which he would not now repeat, but which every gentleman present would connect with a declaration of independence, the formation of a constitution, and the organization of a new state which might safely find its way into the Union on terms advantageous to its interests and prosperity. He expatiated upon the prosperous circumstances of the country; its increasing population, its rich productions and its imperious claims to the benefits of commerce through the Mississippi, its only outlet.

"That the same difficulties did not exist on the part of Spain to concede to the people on the western waters the right of navigating the river which she had to a treaty with the United States, there were many reasons for supposing; that there was information of the first importance on that subject within the power of the convention which, he doubted not, it would be agreeable for the members to have and for the gentleman who possessed it to communicate."

This reference, of course, was to John Brown, a delegate, who was also a delegate from Virginia to the congress and whose letter to George Muter showed him to have been in communication with Gardoqui, the Spanish minister.

Mr. Brown, understanding the reference of General Wilkinson, arose and said that "he did not think himself at liberty to disclose what had passed in private conferences between the Spanish minister, Mr. Gardoqui, and himself; but this much, in general, he would venture to inform the convention, that, provided we are unanimous, everything we could wish for was within our reach."

When Mr. Brown had concluded, General Wilkinson arose and was granted permission to read an address, directed to the Spanish "Intendant at New Orleans." This address which was very lengthy has been excellently epitomized by Smith as follows: "The author urged the natural right of the western people to follow the current of rivers flowing through their country into the sea, the great common and highway of nations.

"The extent of the country, the richness of the soil, the quantity and variety of productions suitable for foreign markets, for which there were no avenues of conveyance should the Mississippi be closed to their export.

"The advantages which Spain would derive from allowing free use of the river to those on its various waters by increase of trade and revenue to her.

"That the population of Kentucky was rapidly increasing and that each individual looked forward to the free navigation of the Mississippi with the greatest solicitude.

"The general abhorrence with which the people of the western waters received the intelligence that congress was about to cede to Spain the exclusive right of navigating the river for twenty-five years.

"That the western people were being driven to the alternative of separating themselves from the Union on that account, considering the navigation indispensable to their future growth and prosperity. These commercial advantages outweighed the political considerations presented in favor of a connection with the Federal Union.

"That should Spain be so blind to her true interest as to refuse the use of the river to the western people, and thereby compel a resort to military means, Great Britain stood ready with a sufficient force of armed allies, to cooperate with them in enforcing the great national right.

"That the whole Spanish possessions in America would be endangered by such a combined movement, should the British, who now hold the mouth of the St. Lawrence, also seize and command the mouth of the Mississippi." Wilkinson was a shrewd and grasping man,

soldier and politician, too. He knew the magic chord on which, as a politician, he should play. The dominant question of the hour was not so much the erection of the district of Kentucky into a state of the Union, as the free navigation of the Mississippi river. He had interests, golden interests, at the mouth of that river; the people of Kentucky must have a market and the river opened one to them. Wilkinson bought their products, floated them down that river and returning paid them in good Spanish gold. He had touched the pocket nerve and knew his advantages. This he kept ever before the convention. He was a more successful emissary of Spain than Gardoqui would have been, had he been given a seat in the convention. Yet Wilkinson did some things to the advantage of the district for which he should have credit. He made a market at New Orleans for Kentucky's products and he brought back to the district the proceeds of the sales and so far as the records show, honestly met his obligations. But he was all of this time in the pay of Spain; that is the blot upon his escutcheon.

The motion to refer the resolutions of the sixth convention was adopted, which was regarded as a triumph for the "court" or Spanish party. Committees were appointed to consider various questions and upon nearly all of these Wilkinson was appointed as a member. His party was dominant in the convention and he seemed to be dominant in his party. John Brown, one might suppose, being a delegate in congress, and to the convention as well, would have ranked high in committee assignments, but Wilkinson took the leading place while Brown sat in the rear. Wilkinson was the controlling spirit while behind his seat in the convention, there lurked, invisible, the Spanish face of Don Gardoqui. The gold which he had so wisely distributed was apparently returning values ten-fold to his country.

The leaders of the "country" party, the men who were for their own country whatever might betide, were alarmed by the strength of the followers of Wilkinson and attempted to counteract it. Colonel Crockett left the convention for Lexington and there obtained three hundred signatures to a paper protesting against separation from the Union. Among these signers were men of Wilkinson's constituency. With these signatures, he returned to Danville and the convention. The petition of citizens of Mercer and Madison asking the convention to pray congress that it adopt measures at once to obtain the free navigation of the Mississippi was presented and referred to a special committee.

To again secure the consent of Virginia for the independence of Kentucky in accordance with the will of congress, a committee was appointed consisting of Messrs. Muter, Jouett, Allen and Wilkinson. The latter, for a previously appointed committee, prepared and read this address:

"To the United States in Congress assembled: The people of Kentucky represented in convention, as freemen, as citizens, and as part of the American Republic, beg leave by this humble petition, to state their rights and to call for protection in them.

"When the peace had secured to America that sovereignty and independence for which she had so nobly contended, we could not, like our Atlantic friends, retire to enjoy in ease the blessings of freedom.

"Many of us had expended in the struggle for our country's rights that property which would have enabled us to possess a competency with our liberty.

"On the western waters, the commonwealth of Virginia possessed a fair but uninhabited wild. In this wilderness we sought, after having procured liberty for our posterity, to provide for their support. Inured to hardships by a long warfare, we ventured into the almost impenetrable forests; without bread or domestic animals, we depended upon the casual

supplies afforded by the chase; hunger was our familiar attendant, and even our unsavory meals were made upon the wet surface of the earth with the cloud-deformed canopy for our covering. Though forced to pierce the thicket, it was not in safety we trod; the wily savage thirsted for our blood, lurked in the paths and seized the unsuspecting hunter. While we lamented the loss of a friend, a brother, a father, a wife, a child became a victim of the barbarian tomahawk. Instead of consolation, a new and greater misfortune deadened the sense of former inflictions. From the Union we receive no support, but we impeach not their justice. Ineffectual treaties, often renewed and as often broken by the savage nations, served only to supply them with the means of our destruction. But no human cause could control that Providence which destined this Western country to be the seat of a civilized and happy people. The period of its accomplishment was distant but it advanced with rapid and incredible strides. We derive strength from our misfortunes and numbers from our losses. The unparallelled fertility of our soil made grateful returns far disproportioned to the slight labor which our safety would permit us to bestow. Our fields and herds afforded us not only sufficient support for ourselves, but also for the emigrants who annually doubled our numbers, and even a surplus still remains for exportation. This surplus would be far greater did not a narrow policy shut up our navigation and discourage our industry.

"To this situation we call your attention. We beg you to trace the Mississippi from the ocean, survey the innumerable rivers which water your Western territory and pay their tribute to its greatness; examine the luxuriant soil which those rivers traverse. Then we ask, can the God of wisdom and nature have created that vast country in vain? Was it for nothing that He blessed it with a fertility almost incredible? Did He not provide those great streams which flow into the Mississippi and by it communicate with the Atlantic, that other nations and climes might with us enjoy the blessings of our fruitful soil? View the country and you will answer for yourselves. But can the presumptuous madness of man imagine a policy inconsistent with the immense designs of the Deity? Americans cannot.

"As it is the natural right of the people of this country to navigate the Mississippi, so they have also the right derived from treaties and national compacts. Shall we not avail ourselves of those natural and conventional rights so vital to our future?

"By the treaty of peace concluded in the year 1763 between the crowns of Great Britain, France and Spain, the free navigation of the river Mississippi was ascertained to Great Britain. The right thus ascertained was exercised by the subjects of that crown till the peace of 1783, and conjointly with them by the citizens of the United States.

"By the treaty in which Great Britain acknowledged the independence of the United States, she also ceded to them the free navigation of the Mississippi. It was a right naturally and essentially annexed to the possession of this Western country. As such, it was claimed by America and it was upon that principle that she claimed it; yet the court of Spain, who possess the country at the mouth of the Mississippi, have obstructed our citizens in the enjoyment of that right.

"If policy is the motive which actuates political conduct, you will support us in this right, and thereby enable us to assist in the support of government. If you will be really our fathers, stretch forth your hands to save us. If you will be worthy guardians, defend our rights. We are a member that would exert any muscle for your service. Do not cut us off from your body. By every tie of consanguinity and affection, by the remembrance of the blood we have mingled in a common

cause, by a regard for justice and policy, we conjure you to procure our right.

"Let not your beneficence be circumscribed by the mountains which divide us, but let us feel that you really are the guardians and asserters of our rights; then you will secure the prayers of a people whose gratitude would be as warm as the vindication of their rights will be eternal; then our connection shall be perpetuated to the latest times, a monument of your justice and a terror to your enemies."

The address to the general assembly of Virginia seeking an act of separation, was now finally agreed to by the convention, following the Wilkinson paper, the gist of which has been given. The address was as follows:

"*To the General Assembly of the Commonwealth of Virginia*—Gentlemen: The representatives of the good people inhabiting the several counties composing the district of Kentucky in convention met beg leave again to address you on the great and important subject of their separation from the parent state and being made a member of the Federal Union. Being fully impressed with these ideas and justified by frequent examples, we conceive it our duty from the regard we owe to our constituents and being encouraged by the action of congress, again to apply to your honorable body, praying that an act may pass at the present session for enabling the good people of the Kentucky district to obtain an independent government and be admitted into the confederation as a member of the Federal Union, upon such terms and conditions as to you may appear proper and equitable; and that you transmit such act to the president of the convention with all convenient dispatch, in order for our consideration and the final completion of the business. Finally, we again solicit the friendly interposition of the parent state with the congress of the United States for a speedy admission of the district into the Federal Union; and also, to urge that honorable body, in the most express terms, to take effectual measures for procuring to the inhabitants of this district the free navigation of the Mississippi river, without which the situation of a large part of the community will be wretched and miserable and may be the source of future evils.

"Ordered that the president sign and the clerk attest the said address, and that the same be enclosed by the president to the house of delegates."

General Wilkinson offered and the convention adopted the following:

"Resolved, that a committee be appointed to draft an address to the good people of the district setting forth the principles from which this convention acts; representing to them their true condition; urging the necessity of union, concord and mutual concession; and solemnly calling upon them to furnish this convention, at its next session, with instructions in what manner to proceed on the important subject to them submitted."

The committee called for by this resolution was composed of Messrs. Wilkinson, Innes, Jouett, Muter, Sebastian, Allen and Caldwell. Thus the committee was controlled by what was known as the "court" party, though it failed to avail itself of the opportunity to excite the people in favor of an immediate separation from Virginia and the setting up of an independent state. It is altogether probable that the "court" party, with perhaps two exceptions, Wilkinson and Sebastian, was as loyal to the Union and as subservient to the constitution and the laws, as were the members of the "country" party.

CHAPTER XXI.

Bitterness After the Convention—Spain's Tempting Offer—Charges Against Wilkinson—A British Emissary—Cincinnati Founded—John Filson and the Filson Club.

And thus adjourned the seventh convention which had considered the question of Kentucky's separation from Virginia and admission into the Federal Union, yet the district seemed no nearer the goal sought than when the agitation had first begun. Arizona and New Mexico, of late years, seeking Statehood now about to be accomplished, have thought the way hard and long, but theirs has been a primrose path of dalliance compared to that of Kentucky. Nevada, then as now, a rotten borough, the State of legalized prize-fights and easy divorces, was admitted to the Union for the mere asking, though the entire State had not then, nor has it now, a voting population equal to that of some Congressional districts in other states of the Union. West Virginia, ravished from the old Mother of States without asking her consent, was admitted to the Union almost without asking for such a favor; but Kentucky, one of the bright stars in the galaxy of states, was forced to take the suppliant's place for years and though the first to ask for the high honor of Statehood was ignored and compelled to see Vermont, which had never joined the Confederation, admitted before it.

The adjournment of the convention brought to Kentucky the first of the many political contests which have marked its history with a bitterness not in keeping with the question at issue. Charges of treason were bandied about as though that most serious of offenses were no more than a charge of disorderly conduct. The men of today who have passed beyond the half-century mark, have heard the same charge made against the best men of Kentucky and have seen those same men haled to prison walls simply because they differed in political opinion from some of their neighbors. In the time of war the laws are silent, and good men, with the bad, must suffer not only indignity but greater wrongs, as hundreds of Kentuckians did in 1861-5. But there was no war other than a war of words, when our good grandfathers fought political battles and called each other hard names after the adjournment of this seventh convention. They were desperately in earnest, these forefathers of ours, no matter on which side they were aligned, and if in the heat of the contest they used harsh terms, they did no more than we, their descendants, do today with not a tithe of reason therefor. We prate of the necessity for two great parties in a system like ours and straightway proclaim the members of the party opposed to our own as thieves, meanwhile meeting those same "thieves" on terms of personal equality as our friends; fraternizing with them in the lodges to which we jointly belong; kneeling with them at the altar rail of the churches in which

we and they worship; inviting them to our homes; giving to them our daughters in marriage and in every way, except that of politics, accepting them as our social equals and bosom friends. It has been thus from the beginning of politics; it will be thus to the end of politics, which will be when Gabriel has sounded his trumpet for the last time. This protest avails naught; the men most guilty of the charges herein made will be the first to admit their truthfulness and the last to learn moderation and justice from them.

But this publication professes to be a history, not a moral essay, and the politicians and their devious ways may well be left out of it. Spain, ever a land of intrigue, was lending every aid to those who would have Kentucky declare her independence and set up as a state separate and apart from the Union. Good men and bad men favored the plan. Consider the isolated situation of Kentucky; —cut off by mountain ranges even from Virginia, of which it was a part; subject to savage raids and savage horrors, with none other than its own people to look to for aid in times of stress;—is it any wonder that the pioneers grew sick at heart and were ready to accept anything that offered a change no matter the source whence it came? Good men favored the plan hopeful that it would be for the betterment of all the people; bad men, and there were not many of these, favored it because they hoped for the betterment of their own interests, political and financial. Spain was offering much: The exclusive right to navigation of the Mississippi river; trade with all Spanish America which then comprised all the territory west of the Mississippi to the Gulf of Mexico; all east of the river to the Atlantic, south of the latitude of Natchez, besides all of Mexico. This was a tempting offer and in sharp contrast to what congress had done or rather had not done.

Meanwhile, the best lands of Kentucky were being covered by Virginia warrants, the sums of money paid for these lands being covered into the Virginia treasury. The people of Kentucky felt that this money should be theirs. They had at their own expense of money and the blood of their brothers, redeemed these lands from the savage and were now compelled to sit idly by and see the proceeds of their great sufferings and sorrows emptied into the laps of those who had shared none of their dangers. There were shrewd men who believed that Kentucky statehood had met its many obstacles to the end that these land transfers might be made to the advantage of Virginia. But the masses did not join in this belief. Many of them, the great majority of them, were natives of the Mother State and retained an affection for it; they could think no evil of it. This feeling exists today. No Kentuckian in whose veins flows Virginia blood, but looks with veneration and affection upon that splendid old State, upon every foot of which the god of war has set his foot and upon every foot of which history has been written in the crimson stains of war. Great in prosperity; greater still in adversity, the proud Mother of States and of Presidents, is worthy to be reckoned as first among the commonwealths of the Union. And Kentucky did not prove unworthy of its high lineage. Though the Spaniard and his unworthy coadjutors, their pockets filled with his tainted gold, pleaded never so entrancingly—in the end, Kentucky proved true to herself; true to the splendid deeds of her pioneer citizens, and to the good mother from which she sprang, and in the face of manifold disappointments, calmly bided her time, confident that justice would yet be done and that she would be permitted to take her place in the galaxy of States.

General Wilkinson was not a Virginian, but a native of Maryland. He had served with some distinction in the War of the Revolution, at the close of which his active mind turned to the accumulation of wealth. He saw his op-

portunity in Kentucky and came hither with his eyes directed towards trade with the Spanish possessions in which he embarked with financial success. This led him into deeper waters than those of trade and he soon became a secret agent of Spain in the efforts of that country to separate Kentucky from its allegiance to Virginia and the Union. There have been two opinions as to Wilkinson. One party has claimed that he sought only valuable trade relations; the other, that he not only sought trade relations valuable to the district—and himself—but that he went further and lent his great talents to Spain for so many pieces of gold.

Butler, writing at an early period in the history of the state, but after Washington had been inaugurated as president for the first time, says:

"To the new president-elect, Colonel Thomas Marshall wrote an account of the district and of such symptoms of foreign intrigue and internal disaffection as had manifested themselves to him, the names of Wilkinson and Brown being alone mentioned among the implicated. In this communication Colonel Marshall was, it ought not to be doubted, actuated by an honorable zeal for the interests of his country, though the author is constrained to say, from the evidence now accessible, a mistaken one, of which both he and his illustrious correspondent were afterwards convinced. This inference flows from a letter of General Washington to Colonel Marshall as follows:

"'In acknowledging the receipt of your letter of the 11th of September, I must beg you to accept my thanks for the pleasing communication which it contains of the good will of the people of Kentucky toward the government of the United States. I never doubted but that operations of this government, if not perverted by prejudice or evil designs, would inspire the citizens of America with such confidence in it, as effectually to do away these apprehensions, which, under our former confederation, our best men entertained of divisions among themselves, or allurements from other nations. I am, therefore, happy to find that such a disposition prevails in your part of the country as to remove any idea of that evil which, a few years ago, you so much dreaded.'"

Butler continues as the advocate of Colonel Wilkinson, saying: "This letter, taken in connection with the subsequent appointment of Wilkinson to be a Lieutenant Colonel in the army, at the recommendation of Colonel Marshall, as well as others, and the repeated military commissions of high trust and expressions of thanks to Messrs. Brown, Innes, Scott, Shelby and Logan amply confirms the idea that the imputed disaffection of any of these distinguished citizens to the Union of the states, had been abandoned by Colonel Marshall himself; and most certainly by Washington, if ever admitted to disturb his serene and benevolent mind."

Wilkinson, for himself, says: "The people are open to savage depredations; exposed to the jealousies of the Spanish government; unprotected by that of the old confederation, and denied the navigation of the Mississippi river, the only practicable channel by which the productions of their labor can find a market."

Daniel Clarke writes to Secretary Pickering: "All who ventured upon the Mississippi had their property seized by the first commanding officer whom they met and little or no communication was kept up between the two countries."

Clarke's statement is not in keeping with the fact that Wilkinson on his return from trading expeditions to New Orleans, always returned with money with which he discharged his obligations to those from whom he had purchased his cargoes. When Wilkinson was appointed to the command of the army charges were made that he had been in the pay of Spain, and he made defense that the moneys he had received were the proceeds of the sales of the merchandise he had floated

down the river to New Orleans. And the court-martial evidently believed him, as it brought in a verdict in his favor.

But Spain was not the only tempter holding out glittering offers to Kentucky. In 1788, a Dr. Connolly came to Lexington ostensibly to make an effort to recover 2,000 acres of land at Louisville, which had been forfeited by his adherence to the British crown during the Revolution. He came from Quebec, Canada, and was accompanied by a Colonel Campbell of Louisville, and with him called on Colonel Thomas Marshall, Judge George Muter and later on General Wilkinson. To these gentlemen Connolly stated that Great Britain was ready to give to Kentucky the same protection as she extended to Canada if the district would ally itself to the empire. In addition, the free navigation of the Mississippi river was guaranteed, to secure which, Connolly declared there were 4,000 British troops ready to be sent down the river to take New Orleans if that be found necessary. Connolly's offer was not warmly received and the news becoming current that an English spy was in the town some serious entertainment was about to be prepared for him, to avoid which he was secretly conveyed to Maysville, whence he returned to Canada. The recollection of savage outrages incited by the English was so fresh in the minds of the people that had Connolly not fled, it is probable that something more serious than the confiscation of his landed estate might have happened. The climate of Kentucky at that time, was malarious and filled with danger for secret agents of the British crown.

During this year the site of the present city of Cincinnati, Ohio, was laid out. The eight hundred acres of land, described as being opposite the mouth of the Licking river in Kentucky, was purchased from a man named Symmes, who claimed that the earth was hollow and whose strange theories as to what would be found at the north pole were of interest to scientists who wrote voluminously of "Symmes' Hole," which, by the way, Peary did not find when he reached the pole. The price paid by the purchaser, Mathias Denman, was $500 in continental money. Denman sold two-thirds of the land to John Filson and Robert Patterson who, with a party of fifteen, came from Limestone, surveyed and staked off lots and gave to the newly-fledged city the name of Losantville, which it bore with commendable fortitude until it occurred to some one to change it to Cincinnati, under which latter name it has flourished and grown to the dimensions of a respectable city in size.

John Filson, the first of Kentucky historians, was subsequently killed by Indians. His memory is kept green in Kentucky by the "Filson Club," of Louisville, an organization of excellent women and men interested in the history of Kentucky. The president is Colonel Reuben T. Durrett, in whose library the monthly meetings are held, and where may be found more of Kentucky's early history than elsewhere in the world.

Two new counties, Mason and Woodford, had been formed by the Virginia legislature and the towns of Maysville, Danville and Paris incorporated, the last named being first known as Hopewell.

CHAPTER XXII.

Objection to Debt Clause—Fourth Act of Separation—Ninth Convention Meets—Fruition of Hopes, Long Deferred—First State Government—Governor Shelby—The Bullitt Family—"He Was a Breckinridge"—Governmental Wheels Start—Natural Speakers and Officials—First and Shortest Session—Honest State Legislators Needed.

There were in Kentucky in 1790, seventy-three thousand, six hundred and seventy-three inhabitants; of these sixty-one thousand, one hundred and thirty-three were whites; twelve thousand, four hundred and thirty slaves and one hundred and fourteen free colored people.

The third act of separation for Kentucky contained clauses requiring the payment by the district of a portion of the domestic debt of Virginia. It was also required that the state and continental soldiers should locate their land warrants in Kentucky. Each of these provisions was objectionable, especially the first. The people of the district had fought their own battles; paid their own expenses, and were not in a pliant mood when their assistance in paying other people's debts was demanded by Virginia. They cared less about the land warrant clause, but this, too, was objectionable.

July 1789, the eighth convention met at Danville and rejected the conditions above noted, at the same time memorializing the Virginia legislature to abolish them. When that body met in December following, this request was complied with and a fourth act of separation adopted. A new convention was to be assembled July 26, 1790, to determine the wishes of the district as to separation. As this was only the ninth convention ordered for the consideration of an act of separation and as all former conventions had favored separation the requirement in this last act seems to belong in the category of jokes if one may accuse his grave and reverend forefathers of joking about so serious a matter as legislation. Other conditions were that Congress should release Virginia, prior to the 1st of November, 1791, from all her federal obligations arising from the district; that the proposed state shall on the day after separation, be admitted into the Union and that such day shall be after the 1st day of November, 1791.

The ninth convention met at Danville, July 26, 1790, accepted the modified terms of the latest act of the Virginia legislature and selected June 1, 1792, as the day on which Kentucky should become a full-fledged state, separate from Virginia. An address to the legislature of the latter was agreed upon as well as a memorial to the president of the United States, praying that he and congress should sanction their proceedings, at the same time offering assurances of admiration and loyalty to the new government. Those good old forefathers of ours hold the championship on conventions and were ready writers in the matter of addresses, memorials and such expressions of their very positive opinions.

It was ordered that on the respective court

days of the counties to be held in December, 1791, delegates should be elected and who should meet at Danville on the first Monday in April, 1792, for the purpose of forming a constitution for the new State, together with a code of laws to remain until repealed or re-enacted by a legislature to be subsequently chosen.

Congress, in February, 1791, had passed an act admitting Kentucky as a State of the Union, said act to take effect June 1, 1792.

In December, 1791, delegates to a constitutional convention were chosen and these met at Danville, April 3, 1792, and proceeded to adopt the first constitution of the sovereign state of Kentucky which was to become effective on the 1st day of June, 1792. For eight years the people had sought the boon of statehood; ten times had they chosen delegates to conventions the object of which was securing admission into the Union and at last, after patient wait and vigil long, there came the fruition of their hopes.

The historian, Marshall, a learned man, and a Federalist who, if living today would probably be called a Republican, says of the new constitution: "It is to be observed that antecedent to the formation of the constitution an immense mass of information had been presented to the public mind in newspaper essays and in books, on political subjects, while, in addition to these, may be mentioned the Constitutions of the States as storehouses or fountains of information from which to draw constitutional provisions."

The newly-elected governor, Isaac Shelby, and the first legislature of Kentucky met at Lexington, June 4, 1792. It seems at this distance of time that poetic justice would have given the honor of this meeting to Danville which had been the "convention city" of the district and had fairly won the honor of having the first legislature meet within its borders. But to Lexington went the honors and Danville people could fairly rest on their laurels saying: "Well, we do not care; the people of the district held ten conventions here in eight years and no other place has had such honor."

On the assembling of the legislature, Alexander Scott Bullitt of Jefferson, was elected speaker of the senate, and Robert Breckinridge of Fayette, speaker of the house. Thus three names that were to become noted in Kentucky history were brought prominently to view.

Governor Shelby had been a brave officer in the Revolution and had served with signal honor. He was twice elected governor of Kentucky and when years had whitened his locks and age had served its warning upon him, the ardent and veteran soldier buckled on his sword again, and in the war of 1812-15 rendered valiant service against the British and their savage allies. His descendants in Kentucky have been among the foremost of the good citizens of the State.

Alexander Scott Bullitt was the first sheriff of Jefferson county, and became the founder of a family that has been a credit to the state. It is a noteworthy coincidence that about one hundred years later his great-grandson and namesake was also sheriff of Jefferson county and county attorney for the same county. Three of Mr. Bullitt's grandsons became noted lawyers; one in Philadelphia, W. C. Bullitt; another, Joshua F. Bullitt, was chief justice of the court of appeals of Kentucky, while a third, Thomas W. Bullitt, a gallant and dashing Confederate soldier, was among the leaders of the bar of Louisville and of Kentucky, at the time of his death. His three sons follow in his honored footsteps and are all lawyers.

Of the speaker of the house, it is only necessary to say that he was a Breckinridge. The very name calls up the honor and the glory of the state: John Breckinridge, author of the Kentucky Resolutions of 1798 which have been for more than one hundred years a guid-

ing star for such patriots as preferred to follow the principles of true Democracy rather than the vain imaginings of an opportunist, ready to adopt any theory that might possibly lead to victory, place and power.

Robert J. Breckinridge, Sr., was the most eminent Presbyterian divine of the country, the friend and adviser of Mr. Lincoln, and the father of four gallant boys—two of whom fought bravely for the Union in 1861-5, while their two elder brothers, equally gallant, won honors for their state and name in the army of the Confederacy. One of these was the eloquent Col. W. C. P. Breckinridge who, for years, represented the famed Ashland district and whom the late Senator William Lindsay, declared was "one of the great men of Kentucky."

John C. Breckinridge, Major of Volunteers in the war with Mexico; representative in congress from the Ashland district; Vice President of the United States: Senator from Kentucky; major general in the Confederate army and secretary of war at the close of the war. The very name of Breckinridge means history in Kentucky.

Two days after the organization of the general assembly, Governor Shelby appeared before a joint session of that body, and following the example of President Washington, read his message, at the conclusion of which he furnished a copy to the speaker of the senate and of the house, and retired from the chamber. Thus quietly and with proper dignity, were the wheels of self-government first set in motion in Kentucky.

James Brown was appointed Secretary of State and George Nicholas, Attorney General. The first United States Senators were John Brown and John Edwards. Brown had represented the District of Kentucky as a Delegate from Virginia in the old Congress. There had been charges against him to the effect that he was engaged in what has come to be known as "the Spanish Conspiracy," but it is believed that he was not culpable nor guilty of any wrong-doing, his efforts, which led to the charge, growing out of his intense desire to secure for the people of Kentucky the free navigation of the Mississippi river which was necessary to their commercial prosperity.

It has been facetiously declared that "where two or three Kentuckians are gathered together, some one of them makes a speech," a compliment to the oratorical capacity of the true Kentuckian. It has also been stated by some envious outsider, not so fortunate as to have been born in the State, that "if a Kentuckian is not already holding an office, he expects to do so before he dies," which is also a compliment, as it recognizes the willingness and capacity of the Kentuckian to assume the burdens of any public duty which may be thrust upon him by his admiring fellow-citizens. These reflections are induced by the fact that the very first enactment of the first general assembly of the state created an office, by a bill entitled: "An act establishing an Auditor of Public Accounts." This act was approved by the Governor June 22, 1792, and became a law upon that date. Auditors of the state therefore have the right to feel that their office is of very honorable lineage and confers distinction even though it may occasionally fail to lead to governorships or other higher positions. It is to the credit of our first legislature that its first act was in the direction of a proper keeping and disbursement of the public funds. One is led to speculate upon the need for such an officer, however, when there is no appearance of such funds or custodian therefor. The first demand upon the assembly, under ordinary circumstances, would appear to have been an act to raise revenue, and the choice of a treasurer to care for it. This, however, was later attended to.

The session of the general assembly began, as has been stated, on June 4, and ended on June 22, 1792, the shortest legislative session

on record. Thomas Todd was clerk of the house and Buckner Thruston, of the senate. James E. Stone, later to win appreciative laurels as clerk in both house and senate, was not then eligible for the position in either body, owing to his youth, but was later elected and has since been retained as a permanency in one body or the other, as the one or the other was in political accord with his opinions.

The general assembly recognized then, as now, that it needed praying for, and therefore elected the Rev. John Gano as chaplain. John Bradford was elected public printer and the author sincerely trusts that he escaped the "slings and arrows of outrageous fortune" which, in later years, were a portion of the emoluments of that unhappy position.

Nicholas Lewis was sergeant at arms of the house; Kenneth McKoy, of the senate; Roger Divine was doorkeeper of the house; David Johnson, of the senate. These subordinate officials secure this historical recognition, because they were the first men in Kentucky who ever held these positions. To enumerate those who succeeded them and those who attempted to do so and failed, would change this publication from a history to an excerpt from a census report.

The members of the general assembly received one dollar per diem and twelve dollars extra, for the session; the presiding officers receiving twenty dollars extra. The clerk was paid $50 and the sergeant at arms, $12 "in full of all demands."

A treasurer was next provided for, and then an anomalous condition was found to exist—there was no treasure. In view of this distressing condition, the new treasurer was authorized to borrow money—if he could.

Smith, in his "History of Kentucky," says: "To give an idea of the market prices of the times, beef was two cents per pound; buffalo meat, one and one half cents; venison, one and a quarter cents; butter, eight cents; turkeys, fifteen cents each; potatoes, fifty cents per barrel; flour, five dollars per barrel; whisky, fifty cents per gallon." There was no internal revenue tax on whisky then and consequently no "moonshine" nor revenue officers to disturb and make afraid the proprietors of mountain distilleries. "The scarcity of money, the greater purchasing value of what little there was, brought the wage standard to a corresponding level."

For years it has been difficult to secure the service in the general assembly of the best men of the State, for many reasons, one of which has been the deterioration of the house and senate in the good opinion of the electorate. For this, the people are themselves to blame. They should force their best men to the front; should elect them to the house or senate, with or without their consent. Henry Clay was willing to serve and did serve as a member of the Kentucky legislature, after he had won renown in the congress of the United States. Though there may be today no Henry Clays in Kentucky, there are thousands of good men, honest men, intelligent and capable, who should be drafted into the service of their constituents and sent to Frankfort not to represent this or that political party; this or that special interest; but the sovereign people of the commonwealth regardless of petty partisan politics. There are interests predominant today which know nothing, care nothing, for the public good, and work alone for selfish advancement, choosing that party as their own which, for the moment, seems predominant, and deserting it at that time when the opposing party appears to be about to gain the ascendancy. The people complain when they see the wrong about to triumph, yet when the next election comes they go "like dumb, driven cattle," into the election booths and place the stamp of their approval beneath the emblems of their respective parties, utterly regardless of the character of the men who are candidates upon that ticket. Then they strut among their fellow men and loudly proclaim

that they "always vote the straight ticket," and have never yet "scratched a ballot." The people who do these things, and they represent each of the two great parties in Kentucky, deserve all the evil that comes to them and more. They worship a fetich and are blinded by a partisanship that would be discreditable to an unlettered savage. The millennium is a promise in which many millions believe. It is sure to come some day. When it does come, the electorate will possibly forget party shibboleths and, if there are elections held then, will vote as duty and patriotism require, but it is a strain upon the imagination to consider such a proposition.

CHAPTER XXIII.

Indian Peace Commissioners Murdered—Eastern View of Indian Question -Indians Reject Peace Proposal—"Mad Anthony" Moves Against Them—Kentucky Reinforcements—Campaign Against the Maumees—Defeat of Indians and Allies—Wayne Gives British Officer "Light"—Treaty of Greenville.

It is necessary at this point to revert to the Indian question again for a short time. Major John Adair, commanding about one hundred Kentuckians, on the 6th of November, 1792, was attacked near Fort St. Clair in Ohio, by a large body of Indians under command of Little Turtle. After repulsing the savages several times Major Adair was forced to retreat with a loss of six killed, all of his camp equipage and more than one hundred pack horses. The enemy, whose losses were believed to have been greater in killed and wounded, than those of Major Adair, made no effort to pursue him being content with the plunder they had secured. General Wilkinson, who, for the time being, deserted politics for the army in which he now held a position, complimented Major Adair and his command for the gallantry with which they had confronted superior numbers.

Later in the same year, Wilkinson selected Colonel John Hardin and Major Trueman as commissioners to treat for peace with the Indians of the Miami towns in Ohio. Proceeding upon their mission, they were well received by the first Indians whom they met who showed respect for the peace messengers. Soon afterwards a party of five Delaware Indians arrived at the camp and Colonel Hardin proposed that he and his comrade should visit their camp, but the Delawares refused to accede to the proposal. They remained in the camp during the night and seemed peaceable. On the following morning, inquiries were made of them as to the country, when they became excited and murdered Colonel Hardin. Major Trueman they made prisoner, and on the march to Sandusky, murdered him also. When the news reached the Indian towns of the murder of the peace commissioners, much excitement prevailed and the perpetrators were censured as it was unusual for the Indians to attack those who came to talk of peace. This was poor consolation to the families and comrades of the murdered men. In the Eastern states there were then as now, Pharisees of the "holier-than-thou" sect who affected to believe that the western people provoked and kept alive Indian aggression by cruelties inflicted and outlawry practiced, and that the poor Indians "were persecuted, murdered and outraged beyond all forbearance," and were therefore, justified in reprisals in self-defense. The pulpit and the press, together with the demagogue on the platform, whom the country has always with it, fostered this idea, forgetting how their own ancestors had been harried by the savages in the early days of the eastern colonies and how they had as ruthlessly slaughtered those sav-

ages as had the westerners those who made their lives a burden and the lives of their wives and children unsafe during every hour of the day and night. These people of the eastern states it was, whose representatives in the congress had for so long a time resisted the admission of Kentucky into the Union. To their minds the Union belonged to the saints and never for a moment did they then, nor do they now, fail to believe that they were and are the saints.

"President Washington," says Smith, "to counteract the pernicious impression which possessed the minds of the people of the Atlantic states, and also, that the Indians were willing to listen to and accept terms of peace on just grounds, ordered a treaty council at Sandusky, Ohio. In the meantime, all citizens were forbidden to engage in any hostilities with the savages, a very painful and hard necessity laid on the Kentuckians after the many and very recent and distressing barbarities perpetrated on them."

The historian Butler considering the conditions at that time, says:

"Nor can the necessity of this action of the president be appreciated without attentively noticing the deep-rooted prejudice of the country at large on the subject of Indian atrocities. They showed themselves in the debates in congress, and were too much confirmed by the history of the national intercourse with the aborigines in general. Sympathy with the interests of a race of men incompatible with the existence of our agricultural people, seems to have occupied the people east of the mountains when it had no longer room to operate against themselves. No thought then seemed to exist that the same causes of inconsistent states of social existence prevailed on the western side of the mountains, just as they had presented themselves on the eastern side for the preceding century and a half. Our people would gladly have abided, for the present, with the territorial limit of the Ohio. But no territorial limit could permanently arrest the ruin of the one race, or the progress of the other. The decree of their fate was passed by natural causes which no human exertions could counteract."

The commissioners announced to the government at Washington that the Indians refused to enter into a treaty. The government had tendered the olive branch and on its rejection had but one recourse. The Indians should be taught to fear, if they did not respect the white man.

Gen. Anthony Wayne, the "Mad Anthony" of the Revolution, the soldierly fires of whose nature had not abated with the advancing years, had massed his forces at Fort Washington and was ordered in October, 1793, to move upon the Indians along the Maumee. He called upon the governor of Kentucky for a detachment of mounted volunteers. So deep was the distrust of Kentuckians of the capacity of the regular forces, owing to the disasters attendant on the recent expeditions of Harmar and St. Clair, that there was but a feeble response to the call of the governor for volunteers. It was the first as it was the last time, when Kentuckians failed to respond at once to a call to arms. They had no objection to warfare; they rather enjoyed it, but they were careful about their military associates. They had serious objections to being slaughtered to make an Indian holiday.

Finally, however, General Scott marched at the head of a thousand mounted Kentuckians to reinforce General Wayne. On the 26th of October this force encamped within four miles of the headquarters of the army, six miles in advance of Fort Jefferson and eighty miles from the Ohio river. The weather was cold, the army not well equipped for a campaign against savages in the forest, their natural battle ground, and General Wayne decided to suspend his march and build Fort Greenville. The regulars went into winter

quarters and the Kentucky troops were dismissed on furlough, returning to their homes with a renewed respect for regular troops born of the soldierly methods of General Wayne.

On the 26th of the following July, General Scott, his force increased to 1,600 men, reported to General Wayne for duty. The latter with a force of about the same number of regular troops, marched upon the nearest Indian towns with the intention of destroying them, but the enemy had fled before he reached the junction of the Maumee and Au Glaize rivers where the towns were located. He destroyed the growing crops and continued his march down the Maumee to a point within seven miles of a new fort recently constructed by the British and where there was reported to be a large force of Indians. Stopping in his march long enough to erect Fort Defiance, he then continued his advance movement. Soon the officer commanding the advance guard reported the enemy in line of battle within a mile or two of the British fort, their left resting upon the Maumee river and their right upon the forest in the thick undergrowth of which the Indian was at home and from which it was not easy to dislodge him.

General Wayne drew up his regulars in two lines, their right resting on the Maumee, while he sent General Scott with his mounted Kentuckians to turn the extreme right of the enemy and attack him in the rear. The regulars advanced and in a bayonet charge drove the Indians and the Canadians and other white volunteers with them, into a disorderly panic. So rapid was their flight that General Scott had time to bring into action but a portion of his command. The Indians and their white allies suffered heavily. One, writing of the battle, states that "the woods for two miles were strewed with the dead bodies of the red men and their white auxiliaries." The Indians were in high favor with the British officers so long as they were successful in their attacks upon the whites, but when the latter were successful and drove the Indians back the latter lost something of their popularity. It was so in this instance, for when the savages, flying before the victorious troops of Wayne and Scott, arrived at the British fort, they were surprised to find it closed against them.

General Wayne remained on the battleground for three days, during which time he destroyed the growing crops and all other property within his reach, including the house and stores of Colonel McKee, the British Indian agent, who bore the ignominy of inciting the savages to commit murder and other atrocities upon the Americans.

General Wayne, while his troops were engaged in this work, was addressed by Major Campbell, the commander of the British fort, who wished to know "in what light he was to view such near approaches, almost in reach of the guns of a fort belonging to His Majesty, the king of Great Britain."

General Wayne promptly replied to this request for information that "were you entitled to an answer, the most full and satisfactory was announced to you from the muzzles of my small arms yesterday morning, in the action against hordes of savages in the vicinity of your fort, which terminated gloriously for the American arms." There were no further requests for information received from the fort.

Following this correspondence, everything in view of the fort was destroyed. The commander had difficulty in restraining the Kentucky volunteers from a direct attack upon the fort. Deprived of this pleasure, they tauntingly fired their rifles in the direction of the fort, hoping to provoke a response. There was a beautiful opportunity for a fight, but the commandant of the fort was evidently a discreet person and the opportunity was permitted to pass.

The decisive victory of General Wayne; the failure of the British to come to their aid, and the closing of the gates of the fort in their faces at the moment of their great peril, broke the spirits of the Indians for the time, and when they were invited soon afterwards to a peace meeting at Greenville they attended and a treaty was arranged and signed whereby large cessions of land were made to the United States and all claims south of the Ohio river were given up by the savages. The terms of this treaty were observed until the war between England and the United States in 1812, when the English again incited the Indians to renew their warfare upon the Americans. It is a gratifying reflection even at this day, nearly one hundred years later, that both the English and the Indians paid heavily for this violation of a treaty and the rules of civilized warfare.

There were occasional excursions of small bodies of Indians from north of the Ohio and from Tennessee, the object of which was principally plunder, but with no objection to the commission of murder as opportunity presented but the whites had now become so numerous that swift punishment followed these raids and the Indians came far less frequently into Kentucky than had formerly been their wont. Swift and sure punishment for offenses is a great deterrent of crime, not among Indians alone, but among men who are civilized and knowing better must be made to do better.

CHAPTER XXIV.

American Love for France—Democratic Societies of Kentucky—Kentucky vs. Spain—Washington's Neutrality Proclamation—French-American Expedition under Clark—Governor Shelby to the Federal Secretary—Then, the Presidential Proclamation—French Minister Ignores It—Proposed Capture of New Orleans—Genet Recalled—New Orleans Project Abandoned—Democratic Societies Dissolved.

So much has been said of the navigation of the Mississippi river that the subject has probably become as tiresome to the reader as it has to the writer. But it was so vital to the people of the young state as to enter into the consideration of all political questions. He would have been a rash Kentuckian who, in those days, had expressed a sense of weariness at the thought of reading or writing about the free navigation of the great river. Kentucky was so situated geographically as to be practically cut off from eastern trade and the river was the only avenue leading to traffic, the selling of her products, the purchase of necessities. This fact made and could unmake politicians. It produced some strange and unlooked for complications, reaching far beyond the borders of the state, across the deep sea and to the foot of the throne of France.

The people of the United States owed and proudly recognized a debt to France for the assistance given in the darkest days of the Revolutionary war. But some of the people misled by a too enthusiastic spirit, adopted methods of evincing their affection that when analyzed, suggested the opposite of what they intended. In 1793 there was organized in Philadelphia what was known as a "Democratic Society," the word Democratic not having the political significance pertaining to the politics of today. Broadly stated, the Philadelphia organization might with justice have been called the "People's Society." It professed the greatest esteem for France while at the same time, perhaps unconsciously, closely following the precepts of the clubs of France which were sowing widespread the seeds of anarchy and ruin throughout that land which were to grow in a few years to a red harvest of death. These Americans acted from the heart, rather than from the brain, and little dreamed of the deeds of their whilom friends in the near future. They knew that they loved France with the same fervor with which they hated England. They heard but little of the happenings in France save that which came from English sources and, with one accord, they refused to believe any of this.

The war with England was scarcely ended at this time; many of those who had won distinction in command, had come to Kentucky, after the peace, full of gratitude to France and equally as full of prejudice against England. It is not strange therefore that Democratic societies, such as that at Philadelphia, should have been organized at Lexington, Paris and

Georgetown, all after the model of the Jacobin clubs of Paris, France. There had been, as yet, no outbreak in France; the right of revolution was claimed, but there was no hint of bloodshed. Fresh from the fields of a successful revolution, it was not to be wondered at that these American soldiers should find themselves in sympathy with men across the seas of like aspirations as their own. These men believed in the rights of the states and of the people. They were bitter against the Federalists who, they feared, were endeavoring to set up an aristocracy rather than "a government of the people, by the people and for the people." Some of them created a prejudice against the president, with whom they had starved and suffered and fought for seven years and until the sunlight of liberty had shone upon the land. These clubs demanded that those rights which they conceived to be their own, should be guaranteed by the government.

The Lexington Society used no uncertain language in its demands. It imperiously resolved "that the right of the people on the waters of the Mississippi to the navigation thereof was undoubted, and that it ought to be peremptorily demanded of Spain by the Government of the United States."

There is something typical of the Kentuckian in the defiant ring of that resolution, however one may decry the judgment embodied in its adoption. Contrary to the opinion of the misinformed, the Kentuckian does not go about with a bowie-knife in his boot-leg and a revolver in his belt, breathing forth threatenings and slaughter. He is very peaceful until his rights are infringed upon; when that occurs, he is ready to resist and to maintain those rights in a manly way.

This Lexington Society justly felt that the people of Kentucky had the right to navigate the Mississippi river and so believing, they so stated and if Spain did not like it, why Spain knew what she could do. They were not over belligerent; they merely stood upon what they conceived to be their rights and though the smoke of recent conflict with England had scarcely been dissipated; though the reverberations of hostile cannon seemed scarcely to have died away, yet they were ready to gird up their loins, take up shield and buckler and spear and go forth again to battle, if need be to protect and defend that which at the expense of so much precious blood they had won from the savage. It mattered little to them that Spain was allied with England and all of Europe, save France, against that latter country. So much the better; the fighting would be more beautiful and the final victory —of which they had no doubt—would thereby be the sweeter. Besides, they would have the great river all for their own when the fighting was over and they came home again to rest under the shadow of their own vines and fig-trees.

Some of the more ardent of the friends of France now reminded the government that the colonies had promised that government to "make war on England whenever that country did" and they wanted the contract carried out; but Washington was a prudent man, as well as a successful soldier, and knew that the United States were in no condition either physically or financially, to engage in a war with any country at that time. Instead of a declaration of war, he issued on April 22, 1793, the following.

"Proclamation.

"Whereas, It appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain and the United Netherlands on the one part and France on the other, and the duty and interests of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers.

"I have, therefore, thought fit, by these presents to declare the disposition of the United States to observe the conduct aforesaid toward those powers respectively, and to exhort and to warn the citizens of the United States carefully to avoid all acts and

proceedings whatsoever which may in any manner tend to contravene such disposition.

"And I do hereby also make known that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations by committing, aiding or abetting hostilities against any of the said powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations, will not receive the protection of the United States against such punishment or forfeiture; and further, that I have given instructions to those officers to whom it belongs to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the laws of nations with respect to the powers at war, or any of them.

"In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents and signed the same with my hand. Done at the city of Philadelphia, the 22d day of April, 1793, and of the independence of the United States of America the seventeenth."

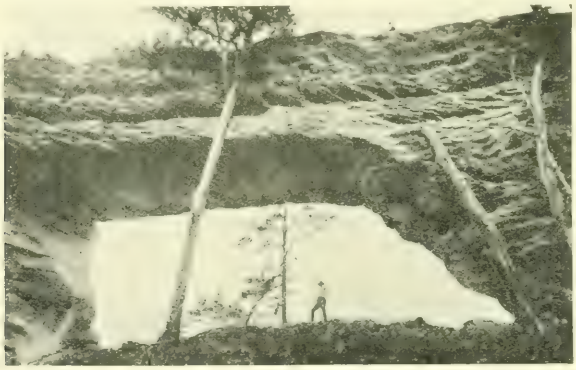
"GEORGE WASHINGTON."

The French minister to the United States at this time was M. Genet, who about the first of November, 1793, sent four persons, named Le Chase, Dupeau, Mathurian and Gignoux to Kentucky, with the view of enlisting men to join in an expedition against New Orleans and the Spanish possessions adjacent thereto. They carried with them blank commissions to be issued to such men as would join in their enterprise. The governor was informed by the secretary of state of this enterprise and "that the special interests of Kentucky would be particularly committed by such an attempt, as nothing could be more inauspicious to them than such a movement at the very moment those interests were under negotiation between Spain and the United States." The above quotation is from Butler, who was, in the main, a fair historian of the events of his day.

Butler continues as follows: "Such, however, was the excitement of the public mind on the subject of the Mississippi, added to its fevered condition in regard to French politics, that too many persons were ready to embrace those foreign proposals to embroil the peace of the United States. Two of these emissaries had the audacity to address letters to the governor, informing him in express terms of their intention to join the expedition of the Mississippi and requesting to be informed whether 'he had positive orders to arrest all citizens inclining to our assistance.' To this presumptious letter of Dupeau, Governor Shelby condescended to reply, in the words of the secretary of state, that he had been charged to 'take those legal measures necessary to prevent any such enterprise, to which charge I must pay that attention which my present situation obliges me.' These foreign agents proceeded in their piratical attempt, from the bosom of a neutral and friendly nation, to raise two thousand men under French authority, and to distribute French commissions among the citizens of Kentucky; to purchase cannon, powder, boats and whatever was necessary for a formidable expedition. In an unguarded moment, these agents, influenced by the same mischievous spirit that had undermined the peace and independence of so many European states, subordinated the exalted patriotism and fidelity of Gen. George Rogers Clark and prevailed upon him to take command of the expedition as 'a Major General in the armies of France, and Commander-in-chief of the revolutionary legions on the Mississippi.' Under this ominous title for an American officer, he issued, under his own name, proposals 'for volunteers for the reduction of the Spanish forts on the Mississippi, for opening the trade of that river, and giving freedom to its inhabitants. All persons serving on the expedition will be entitled to one thousand acres of land; those who engage for one year will be entitled to two thousand; if they serve for three years, or, during the present war with France, they will be entitled to three thousand acres of any unappropriated land that may be conquered, the

officers in proportion as other French troops; all lawful plunder to be equally divided, according to the custom of war; those who serve the expedition will have their choice of receiving their lands or one dollar per day.'

"General St. Clair intimated to Governor Shelby, early in November, that this commission had been given to General Clark. This communication was followed by one from General Wayne, of January 6, 1794, inclosing his orders to Major Winston, commanding the United States cavalry in Kentucky, which



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placed that officer and his men under the orders of Governor Shelby, and promised that 'should more force be wanted, it should not be withheld notwithstanding our proximity to the combined force of hostile Indians.'

"After the receipt of these letters, Governor Shelby addressed the Federal secretary of state on the 13th of January, 1794, and after acknowledging receipt of the information in regard to Clark and the French emissaries, proceeded as follows: 'I have grave doubts, even if General Clark and the Frenchmen attempt to carry this plan into execution, provided they manage their business with prudence, whether there is any legal authority to punish or restrain them, at least, before they have actually accomplished it. For, if it is lawful for any one citizen of a state to leave it, it is equally so for any number of them to do it. It is also lawful for them to carry any quantity of provisions, arms and ammunition. And if the act is lawful in itself, there is nothing but the particular intention with which it is done that can possibly make it unlawful; but I know of no law which inflicts a punishment on intention only, or any criterion by which to decide what would be sufficient evidence of that intention even if it were a proper subject of legal censure.'"

This communication, precluding any effectual interposition on the part of the governor of Kentucky, the president of the United States issued his proclamation on the 22d of April, apprising the people of the west of the unlawful project and warning them of the consequence of engaging in it. About the same time General Wayne was ordered to es-

tablish a strong military post at Fort Massac on the lower Ohio and to prevent by force, if necessary, the descent of any hostile party down that river.

Governor Shelby sympathized with the people of Kentucky in the matter of the navigation of the Mississippi, but was not inclined to assert the authority of the state against the federal government, though his political opponents charged that he was conspiring with the French party. In January he addressed the secretary of state as follows: "Much less would I assume a power to exercise it against Frenchmen, whom I consider friends and brothers, in favor of the Spaniard whom I view as an enemy and tyrant. I shall also feel but little inclination to take an active part in punishing or restraining any of my fellow-citizens for a supposed intention only, to gratify the fears of the minister of a prince who openly withholds from us an invaluable right; or one who secretly instigates against us a most savage and cruel enemy. Yet, whatever may be my private opinion as a man, a friend to liberty, an American citizen and an inhabitant of the western waters, I shall at all times hold it as my duty to perform whatever may be constitutionally required of me as governor of Kentucky by the president of the United States."

The secretary of state replied to Governor Shelby stating that negotiations with the Spanish government had been under consideration since December, 1791, but were delayed by the unsettled condition of affairs in Europe.

In the spring of 1793 Genet, the minister of the French Republic, landed at Charleston and was received with such demonstrative enthusiasm as to have carried him beyond all discretion. He made a progress through the country to New York, the demonstration at Charleston being repeated in each of the states through which he passed. This excited Frenchman was so elated by his reception that he entirely ignored the neutrality proclamation of the president, hitherto given, and which now appears for the first time in a history of Kentucky. He armed and equipped privateers to prey upon the commerce of England and Spain, and enlisted crews for these vessels in American ports as though he were in his native land. Men were enlisted openly by agents of the French government; veterans of the late war were commissioned to lead them and in Kentucky especially, there was no lack of volunteers. The seven long years of the Revolutionary struggle had closed with nearly every man a soldier; those who had not met the English armies in the field had learned the arts of war in the struggles against the savage enemy. There is an attraction in war for men of spirit and once a soldier, always a soldier, may be accepted as almost a truism. Especially was this true at that time in Kentucky; indeed it is true today as was shown in the late war with Spain, when the men who had served in the War Between the States were the first to offer their services to the government. None were more disappointed than the veterans of the Union and Confederate armies who were rejected because of their advanced age.

It was proposed by the French agents to organize and equip in Kentucky a force of 2,000 men and with them man a fleet which should float down the Ohio and Mississippi rivers and capture New Orleans, the capital of the Spanish possessions in America. There was no lack of fighting men in Kentucky at that time as there has been no lack at any time, and a descent upon New Orleans was apparently a matter of the near future. But there was to come a check upon these warlike preparations. Meetings were held throughout the state at which there were adopted resolutions of hostility to the administration of General Washington, and there was something more than a hint at separation from the Union. The people of that day should not

be too harshly judged by those of the present. They felt themselves neglected by those in authority; they were orphans with none to care for them and it is in keeping with the spirit of the people that from the days of Daniel Boone to the present moment, they have proposed to take care of themselves and have done so. They needed the free access to markets which was at that time afforded by the Mississippi river alone. If the federal government would not secure it for them, they proposed to secure it themselves.

It may be that strange new chapters in history would have been written had that flotilla and its two thousand Kentuckians passed down the two great rivers to New Orleans. But this was not to be. Genet had overshot the mark. Vainly imagining himself as powerful in the United States as he would have been in the Jacobin clubs of France; carried away by the mad fury of the French Revolutionists, he forgot his high station as the representative of his country to a friendly but neutral government, and defied the authority of that government and the solemn proclamation of its representative head. There could be but one result;—his immediate recall at the instance of the American government which he had insulted by ignoring its laws and the proclamation of its president. With Genet recalled as minister, his commissions were of no value; especially, as all of his acts were disavowed by the French government.

The movement against New Orleans was abandoned at once, and the French agents who had fostered the movement in Kentucky gave over their task. One of them, La Chaise, on May 14th, said to the Lexington Club: "That unforeseen events had stopped the march of 2,000 brave Kentuckians to go by the strength of their arms and take from the Spaniards the empire of the Mississippi, insure to their country the navigation of it, break the chains of the Americans and their brethren, the French, and lay the foundations of the prosperity and happiness of two great nations, destined by nature to be one."

Little did this flamboyant Frenchman realize that this "Empire of the Mississippi" was soon to pass into the control of his own country and finally into that of the United States, adding an empire thereto for the paltry sum of fifteen million dollars. There are romances in history superior to any that the greatest novelist has conceived. The Louisiana Purchase by Jefferson outside the bounds of the constitution though it may have been, as some have claimed, and that of Alaska by Seward, are great epics in the grand song of empire which has been a part of the history of our unparallelled country. The God of Nations seems to have watched over us, protected us, and led us forward in the march of the universe until the Union has become "the greatest among ten thousand" and altogether powerful.

There was no longer an opportunity for an advance upon the Spanish posts along the lower Mississippi, and the Democratic Societies were dissolved there being no longer reason for their existence. It is difficult at this day, to fully understand the intensity of feeling which characterized the Kentuckians of that day. They were terribly in earnest, of that there is no doubt. The Ohio and the Mississippi today flow unvexed to the sea. Perhaps if there were obstacles now as there were in those earlier days, we, the descendants of those pioneer fathers, would be as ready as they to fight for what we deemed our rights. Happily there is no call to arms now and the most serious questions Kentuckians have to solve are settled at the peaceful ballot box. Thus may it ever be.

CHAPTER XXV.

The Creation of Counties—Period of Needed Recuperation—Spain Again Checkmated—Offers Rejected Too Tamely—Sebastian, Only, Under Suspicion—"Spanish Conspiracy" Analyzed.

Those gentlemen holding official positions as state officers today may be interested in knowing the salaries that were originally paid to their predecessors. Certainly the taxpayers will be interested. The governor was paid $1,000 per annum. This would scarcely pay the traveling expenses of the governor of today, who travels to many points as the "orator of the day." The appellate judges received $666 per annum; the secretary of state, the auditor, the treasurer, and the attorney general, received $333, each. It is interesting to consider the probable number of aspirants for these several positions today at the rate of compensation above stated. It happens that there were patriots in those days.

There were forty-two representatives in the general assembly, representing the various counties as follows: Bourbon, five; Clark, two; Fayette, six; Green, one; Hardin, one; Harrison, one; Jefferson, two; Logan, one; Lincoln, three; Mercer, three; Madison, three, Mason, three; Nelson, three; Shelby, one; Scott, two; Washington, two, and Woodford, three.

It will be seen that the number of counties had increased to seventeen at this time and from that date forward there has been a steady increase until there are now one hundred and nineteen counties in the state, a number not likely to be increased if the necessities of the commonwealth are considered. There was at one time a tendency towards the creation of new counties, without there being shown a real necessity therefor. It was deemed good politics when a bill for the erection of a new county was introduced to name it for the then governor, and to give to the county site the name of the lieutenant governor. This plan was a shrewd one, since the general assembly was, as a rule, in political accord with the administration.

As an illustration, the county of Knott may be mentioned. It was created while that admirable and genial statesman, J. Proctor Knott, was governor of Kentucky. Its chief town was named Hindman, in honor of that accomplished gentleman, James A. Hindman, who was at that time lieutenant governor of Kentucky. No happier selections could have been made. Governor Knott had won high honor in the congress of the United States as chairman of the judiciary committee and was recognized throughout the Union as one of its foremost statesmen. James A. Hindman had served in the Union army as captain of artillery, and many times as the representative of his county in the general assembly. He was a citizen of whom any constituency might be proud, and one of his lesser distinctions was that he defeated the writer of these words for the nomination for lieutenant governor, because the element that then controlled the politics of Kentucky had concluded that the time had arrived when a man who had served in the Union army ought to be placed on the ticket.

Reference has already been made to the treaty with the Indians made at Greenville, Ohio, in 1795, which put an end to future invasions of Kentucky by the savages from the north. In 1796, a like treaty was made with the southern Indians, and thenceforth the state was free from savage incursions.

Butler, the historian of peace rather than of war, says of this period: "These pacific measures, so important to the prosperity of the one party, and the existence of the other, were most essentially promoted by the British treaty concluded on the 19th of November, 1794, and the equally important treaty with Spain agreed to on the 17th of October, 1795. In regard to the British treaty which convulsed this country more than any other measure since the Revolution, and which required all the weight of Washington's great and beloved name to give it the force of law, no section of the country was more deeply interested than Kentucky; yet, perhaps, in no section of the Union was it more obnoxious. Its whole contents encountered the strong prepossession of the Whigs against everything British; and this feeling seems to have prevailed among the people of the southern states, possibly from more intense sufferings in the Revolutionary war, than in any other portion of the Union, on account of their sympathies with France. Yet now, when the passions which agitated the country so deeply and spread the roots of party so widely, have subsided, the award of sober history must be, that the British treaty was dictated by the soundest interests of this young and growing country. What else saved our infant institutions from the dangerous ordeal of war? What restored the western posts, the pledges of western tranquility, but this much abused convention? The military establishments of the British upon the western frontier were to be surrendered before the 1st of June, 1795. Further than this, Kentucky was not particularly interested, but it is due to the reputation of the immortal Father of his Country and the statesmen of Kentucky who supported his administration in this obnoxious measure, to mention that Mr. Jay informed the president in a private letter, 'that to do more was impossible, further concessions on the part of England could not be obtained.' Fortunate was it for the new Union and young institutions of the infant republic that they were allowed by this treaty time to obtain root and to fortify themselves in the national sympathies and confidence."

Spain had long dreamed of a western empire under her domination. Through Gardoqui and Wilkinson she had made abortive efforts to win Kentucky to her schemes, yet she was still hopeful. The Spain of that day was not the weak and powerless Spain of today. That country was then so powerful as to be reckoned with by the other powers of Europe; today, there are none to do her reverence. Then she used all the arts of diplomacy to gain "the dominion and control of the great Mississippi valley, and consequently the navigation of the great artery of commerce which flowed through its center and led to the ocean. Entranced by the grandeur and glory of this promise to the eye, they could not consent to abandon the hope of its realization."

While negotiations were pending between the Spanish court and the United States, they were compelled to wait upon the affairs of the former government which was in danger of being involved in the "maelstrom of war which was devastating the central nations of Europe." Here was the newest of nations, the young giant of the west, compelled to wait upon the developments of a game of war played upon the chess-board of Europe, upon which the giant could not move even a pawn. Finally in June, 1795, the president took a hand in the game and sent Thomas Pinckney to Madrid to negotiate a treaty. Of this embassy, Smith in his history, says: "By the end of October, terms mutually satisfactory

were agreed upon which acknowledged our southern limits to the north of the thirty-first degree of latitude, and our western to the middle of the Mississippi. Our right of the navigation of the Mississippi to the sea was conceded, and also the right of deposit at New Orleans for our produce for three years."

But the Spanish government was not honest in thus agreeing to the points involved which had for a long series of months disturbed the people of Kentucky. On the face of the negotiations, it had been honest; beneath the surface there was duplicity and dishonesty characteristic of the foreign diplomacy of that day.

Again Butler is turned to for a statement of conditions in Kentucky at that time and the shadowy scheming of the Spanish authorities, regardless of the treaty negotiated with Pinckney. He says: "In July, 1795, Governor Carondelet dispatched Thomas Power to Kentucky with a letter to Benjamin Sebastian, then a judge of our court of appeals. In this communication he declares that 'the confidence reposed in you by my predecessor, General Miro, and your former correspondence, have induced me to make a communication to you highly interesting to the country in which you live and to Louisiana.' He then mentions that the king of Spain was willing to open the navigation of the Mississippi to the western country and desirous to establish certain regulations, reciprocally beneficial to the commerce of both countries. To effect these objects, Judge Sebastian was expected, the governor says, 'to procure agents to be chosen and fully empowered by the people of your country to negotiate with Colonel Gayosa on the subject at New Madrid, whom I shall send there in October next, properly authorized for the purpose, with directions to continue at the place or its vicinity until the arrival of your agents.' Some time in November, or early in December of this year, Judge Innes and William Murray received a letter from Judge Sebastian requesting them to meet him at Colonel Nicholas' house in Mercer county. The gentlemen addressed went as desired, to Colonel Nicholas' house and met Judge Sebastian there, who submitted the letter quoted above. Some deliberation ensued which resulted in the unanimous opinion of all the gentlemen assembled that Judge Sebastian should meet Colonel Gayoso, to ascertain the real views of the Spanish government in these overtures. The judge accordingly descended the Ohio and met the Spanish agent at the mouth of the river. In consequence of the severity of the weather, the gentlemen agreed to go to New Madrid. Here a commercial agreement was partially approved by Sebastian, but a difference of opinion occurring between the negotiators whether any imposts, instead of a duty of four per cent, should be exacted upon imports into New Orleans by way of the river, the negotiators repaired to the metropolis, in order to submit the difference of opinion to the governor. This officer, upon learning the nature of the difference between the gentlemen acting in this most insidious negotiation, readily consented to gratify the Kentucky envoy. It was deferred on account of some pressing business. A few days after this interview, the Spanish governor sent for Judge Sebastian and informed him that a courier had arrived from Havana with the intelligence that a treaty had been signed between the United States and Spain, which put an end to the business between them. Judge Sebastian, after vainly urging the Spanish governor to close this sub-negotiation, in the expectation that the treaty would not be ratified, returned to Kentucky by the Atlantic ports."

Several reflections necessarily arise out of this summary of the negotiations of 1795, which were preserved secret from the government of Kentucky until voluntarily disclosed by Judge Innes in 1806 before a committee of

the legislature. The first remark that suggests itself on the face of these documents is, that Judge Sebastian had been connected with the Spanish government before this time, since Governor Carondelet refers to the confidence reposed in him by his predecessor. To what extent and how long, no information exists within the command of the author, although he has attempted to investigate the earliest ramifications of a plot now only interesting for its historical curiosity. This negotiation, though terminated so abruptly by Carondelet, contrary to the urgent representations of Sebastian, was again renewed by the former officer in 1797, while the territorial line was marking between the United States and Spain on the south. It was again affected through the agency of Messrs. Power and Sebastian, and in a way to endanger the Union and peace of these states more flagrantly and openly than on the former more covert attempt."

In the summer of 1797, Thomas Power again arrived at Louisville as the agent of the Spanish governor of Louisiana and immediately communicated a letter to Sebastian desiring him to lay his proposals before Messrs. Innes, Nicholas and Murray. These proposals were no less than to withdraw from the Federal Union and to form a government wholly unconnected with that of the Atlantic states. To aid these nefarious purposes, in the face of a solemn treaty recently negotiated, and to compensate those who should consign themselves to infamy by assisting a foreign power to dissolve the American Union, and to convert its free republican states into dependencies upon the arbitrary and jealous government of Spain, orders for one, or even two hundred thousand dollars on the royal treasury in New Orleans were offered; or, if more convenient, these sums were to be conveyed, at the expense of His Catholic Majesty, into this country, and held at the disposal of those who should degrade themselves into Spanish conspirators. Fort Massac was pointed out as an object proper to be seized at the first declaration of independence, and the troops of the new government, it was promised, should be furnished without loss of time, with twenty field pieces with their carriages and every necessary appendage, including powder, balls and other munitions, together with a number of small arms sufficient to equip the troops which it should be deemed expedient to raise. The compensation for these free offers of money and arms, independent of weakening the United States, was to be obtained in the extension of the northern boundary of the possessions to which Spain had so tenaciously clung and which she now so desperately and for the last time, endeavored so treacherously to retain. The northern boundary, on this side of the Mississippi, was to be the Yazoo river, as established by the British government when in possession of Florida, and which was, by a secret article in the treaty of peace, retained as the boundary between the United States and Florida, should Great Britain recover it from Spain. Eager, indeed, must Spain have been, to obtain this insignificant addition to her boundary, when she could break in upon her jealous exclusion of foreigners from her American possessions and promise the Kentuckians, if they would declare themselves independent of the Federal government and establish one of their own, to grant them privileges far more extensive; give them a decided preference over the Atlantic states in her commercial connections with them, and place them in a situation infinitely more advantageous in every point of view than that in which they would find themselves were the treaty of 1795 to be carried into effect. Such were the powerful temptations presented by the Spanish government of Louisiana to some of the leading men of Kentucky, in order to reduce them into a dependency of Spain.

These offers were entertained too gravely and rejected with too much tameness for the

honor of Kentucky patriotism, as will appear from the following detail given by Judge Innes to the legislative committee previously mentioned: "After receiving the above communications from Power, Sebastian visited Judge Innes at his seat near Frankport and laid them before him. The judge immediately observed that it was a dangerous project and ought not to be countenanced. As the western people had now obtained the navigation of the Mississippi by which all their wishes were gratified. Sebastian concurred in this sentiment, after, it must be observed, this explicit declaration of Judge Innes, who seems to have given tone to the whole transaction. Still, as Power desired an answer in writing, Sebastian prevailed on Innes to see Colonel Nicholas, saying that whatever they did he would concur in. In a few days afterwards, Colonel Nicholas was seen by the judge at Lexington, who agreed in opinion with Innes that the proposal ought to be rejected. The Colonel accordingly wrote an answer to Power's proposals, which unequivocally declared they would not be concerned in any attempt to separate the western country from the United States; that whatever part they might at any time be induced to take in the politics of their country, that her welfare would be the only inducement and that they would never receive any pecuniary or other reward for any personal exertions made by them to promote that welfare. They added that they flattered themselves that everything concerning the important business of the navigation of the Mississippi would be set right by the governments of the two nations; but, if this should not be the case, it appeared to them that it must be the policy of Spain to encourage by every possible means free intercourse with the inhabitants of the western country, as this will be the most efficient means to conciliate their good will and to obtain, without hazard, and at reduced prices, those supplies which are indispensably necessary to the Spanish government and its subjects. This reply was forwarded to Sebastian and communicated by him to Mr. Power.

This transaction must be pronounced a dangerous tampering with a foreign power and contrary to the allegiance of American citizens. Yet the whole tenor of the conduct of Messrs. Innes and Nicholas cannot justify the slightest suspicion of their fidelity to the Union of the American states or indifference to their liberties. Their character as faithful, devoted friends to the freedom and happiness of their country had always stood high and unimpaired in the confidence of their fellow citizens. It is likewise due to the virtues of Judge Innes to declare that in all the relations of private life, no man was dearer or more idolized by the witnesses of his mild, upright and benevolent character. His public career in this country, amid its earliest difficulties, had always been one of high trust and confidence under all the changes of government; he had early been appointed judge of the Virginia district court; the attorney general; judge of the United States district court for Kentucky, a member of the board of war for the western country and president of our first College of Electors. In all these responsible capacities, the conduct of Judge Innes was without reproach and raised him most deservedly high in the public esteem. He received the repeated thanks of General Washington for the discharge of high trusts. Colonel Nicholas has left the reputation of an exalted and patriotic statesman. In the convention of Virginia assembled to decide upon the ratification of the constitution of the United States, he took a prominent and influential part, alongside of such illustrious worthies as Wythe, Madison and Governor Randolph. In the opposition to the administration of the elder Adams he bore an ardent share, as exhibited in his celebrated letter to a Virginia friend on the Alien law.

In regard to Sebastian, the other agent in

this unhappy business, much more is known of his abilities, commanding address and most courteous, dignified manners, than of his devotion to popular government. He had, however, received a judgeship in the court of appeals at its organization in 1792. The most probable construction of this conference seems to be that Sebastian was the corrupt instrument of Governor Carondelet and that he permitted his acknowledged abilities and intimacy with Judge Innes, to swerve him from the direct and open path of public duty by listening to proposals from a foreign government, at once derogatory to his duty as a public officer of the laws and his honor as a faithful citizen.

In the Spanish conspiracy there are three stages and corresponding degrees of condemnation. The first existed in 1787, when Gardoqui communicated his overtures to the people of Kentucky, to establish a government independent of the rest of the confederacy; this, under the ominous and disgraceful condition of the existing government, might have been laudably entertained by Kentucky patriots. The second happened in 1795 under circumstances of accumulated trial and disappointment to the fondest and most indispensable hopes of western prosperity; at this time the Spanish propositions, whatever ultimate views were concealed under them, only aimed at an irregular, and, so far, unjustifiable agreement of private citizens with a foreign government for the regulation of western trade. This proposal, if it had been consummated, would, however, have amounted to superseding the regular operations of the general government in the western commerce and would have granted exclusive commercial favors to the parties to this agreement, inconsistent with the equal constitutional rights of the citizens of a common country. It would, moreover, have been indicative of a foreign influence, dangerous to the liberty and peace of the Nation. But the third stage of this business, after ten years of interrupted communications, was the most indefensible of all, it was a treacherous and undisguised attempt of Spain to dissever this country, in the face of her recent treaty, and inconsistent with everything like the good faith which is represented as a characteristic of Castilian honor. This intrigue of the provincial authorities in Spanish Louisiana is, no doubt, to be traced to European politics.

But time, at last, makes all things even, the epigrammatic philosophers have told us. Spain failed to corrupt the people of an entire state, whatever may have been her success with a few men of prominence. She saw Louisiana and the Floridas pass from her control to the French and ultimately to that of the United States, the government of which she had sought to disrupt with the power of corrupting gold. In after years she saw the same United States drive her from Cuba, Porto Rico and the Philippines, her richest and almost her only colonial possessions. She learned that "the mills of the gods grind slowly, yet they grind exceeding small." Upon the possessions of the United States today the sun is ever shining somewhere, while Spain, no longer a world power, is left in doubt if it have any power whatever.

CHAPTER XXVI.

U. S. Senator Marshall—Attempt to Discipline Judges—Garrard Succeeds Shelby—Bitter Adams-Jefferson Campaign—Litigation Over Land Titles—Injustice Righted.

In 1795 Humphrey Marshall, statesman and historian, a near kinsman of that great chief justice, John Marshall, who, for so many years, presided with distinction over the supreme court of the United States, was elected a senator in congress from Kentucky, defeating John Breckinridge, who was later to distinguish himself as the author of the Kentucky Resolutions of 1798.

Marshall was the leader of the Federalists in Kentucky, who favored a strong centralized government as against a government of the people. Mr. Breckinridge was the leader of the Republicans in Kentucky, those who, at a later date, were to be known as Democrats, reference to which has been elsewhere made in this work. Those excellent gentlemen of today who boast of their enmity to the Republican party, would probably reject with scorn the statement that in the earlier days of our government their forefathers were very proud to be known as Republicans and to be led by such a statesman as John Breckinridge. The latter, had favored the adoption of the treaty with England, which excited the enmity of many against him and led to the election of Mr. Marshall.

The people of Kentucky at this time, were to be excited by an incident, the first of its kind in the history of the young state. This was an attempt, by the general assembly, to remove from the court of appeals, Judges George Muter and Benjamin Sebastian. This action grew out of a decision of the court in which the old pioneer, Simon Kenton, was interested. That decision opened the way for endless litigation and threatened not only the title of Kenton to his lands, but the titles of many others. There was much excitement among the people, which culminated in the presentation of a memorial to the legislature which brought the matter before that body for consideration. Judges Muter and Sebastian were summoned to appear before the house, a copy of the memorial accompanying each summons. Judge Wallace, the remaining judge of the court, was not summoned as he had dissented from the views of Muter and Sebastian. These latter answered the summons of the house by a demand to be proceeded against in the manner provided by the constitution, stating their readiness, in that event, to answer any specific charge that might be made against them.

Smith in his "History of Kentucky," quoting Butler and Marshall, summarizes the conditions as follows: "The house interpreted this answer into a refusal to appear before it and proceeded to act upon a resolution that the opinion and decree are subversive of the plainest principles of law and justice and involve in their consequences the distress and ruin of many of our innocent and meritorious citizens. The resolution then goes on to allege that the judges have decided either from undue influence or want of judgment; as said decree and opinion contravene the decisions of the court of commissioners, who were author-

ized to adjust under the Virginia land act of 1779, and also contradict a former decision of the supreme court for the district of Kentucky on a similar point:—whence arises a well-grounded apprehension that the said George Muter and Benjamin Sebastian are altogether destitute of that judgment, integrity and firmness which are essential in every judge, but more especially to judges of the supreme court; and that there is no security for property so long as the said George Muter and Benjamin Sebastian continue as judges of the court of appeals. The house, then, in consequence of these recitals and its power to address the governor to remove any judge for any reasonable cause, which should not be sufficient ground for impeachment, determined by a majority of three votes, that this address ought to be made. The subject, however, was resumed in the senate and a resolution was reported, censuring the judges for a decision which, the resolution asserted, proceeded from a want of proper knowledge of the law, or some impure motives that appear to discover a want of integrity. This resolution was adopted by a majority of one vote."

This result was reported to the other house for action, though the resolution had really failed, for want of the two-thirds majority required by the constitution. In the house, it was adopted by the majority as had been the original resolution presented therein. No action by the governor appears to have been taken, but at a subsequent term of the court, Judge Muter reversed himself and joined in the opinion of Judge Wallace, but Sebastian adhered to his first opinion. Pending the heated discussion of this important question, George Nicholas, of counsel for the defendant, O'Connell, was alleged to have an undue influence over the court, a charge that has been heard in other courts of the state since that day and involving the names of attorneys devoting themselves to the defense of persons indicted for criminal offenses. Muter and Sebastian remained on the bench for the time being, but Sebastian was later to leave it under conditions that could not be pleasing to a man of acute sensibilities, the details of which will be noted hereafter.

The close of the term of Isaac Shelby as governor was approaching and Gen. Benjamin Logan and James Garrard, both of the Republican or Democratic party, were candidates to succeed him, the Federalists appearing not to have offered a candidate. Garrard was successful by a small majority notwithstanding the great services Logan had rendered the people in the early conflicts with the Indians. Governor Garrard assumed the duties of the office in 1796 and named for secretary of state, Harry Toulmin, an accomplished gentleman of English birth, who had, at one time, been a minister of the Unitarian church. This appointment was acceptable to the people on account of the acknowledged ability of Mr. Toulmin, which subsequently led to his appointment by the president as judge of the United States court for the district of Alabama.

General Washington, after eight years in the presidency, was now about to retire to the peace of Mount Vernon, there to rest as he had stated "in the shadow of his own vine and fig-tree." The Federalists named John Adams, the vice president, to succeed him; the Republicans selected as their candidate Thomas Jefferson, the secretary of state. A generous minded historian of that period has written of the contest as follows: "Honored and embalmed as these great and patriotic statesmen now are in the memories of the people of today, we find it difficult to realize that the presidential contest waged between the adherents on either side was as remorseless, intemperate and embittered as was that between the adherents of Cleveland and Blaine in our own time. The truth of history thus forms a commentary of rebuke upon the uncharitable injustice and unkindness with which the char-

acters of the most eminent and worthy men are assailed by partisan spirit, and, at the same time, affords grateful assurance that when time shall have dissipated the prejudices of the partisan, the virtues and nobler deeds of the great shall live to be honored, not only in the urn of memory, but in the holier consecration of affection as well."

Adams was elected president by a majority of three votes in the electoral college, and Jefferson, having received the next highest vote, became vice president by virtue of the constitution as it then existed. It is interesting to consider the conditions that would have been presented in the recent past had there been no change in the constitutional provision in this respect. For instance, in 1896, William McKinley would have been elected president and William Jennings Bryan, vice president. There would have been stirring happenings then, or soon afterward. Happily the constitution had been changed.

At about this time there began a litigation over land titles in Kentucky, which, strangely enough, has continued in some form, to the present time. The Federal government, never having a disposable interest in Kentucky lands, made no survey thereof. It has been claimed by some, but without good reasons for the claim, that George Washington made surveys for private parties in the district of Kentucky. As is stated elsewhere in this work, that claim is not believed to be tenable. However that may be, it is true that Virginia made no provision for a survey. Surveyors came from Virginia and so long as they could escape attention from hostile savages, made surveys wherever their inclinations took them. One of these surveyors less lucky than others of his calling, was Hancock Taylor, a member of the numerous and somewhat important Taylor family of Virginia, to which belonged Gen. Zachary Taylor, president of the United States, whose remains rest in Jefferson county near Louisville. Hancock Taylor, his kinsman, was killed by the Indians while engaged in making a survey of Kentucky lands. In the haphazard methods of surveying many claims overlapped each other, thus bringing about litigation which often lead to expenditures greater than the value of the lands in controversy. It is not uncommon at this time to read in the newspapers of suits being filed for the recovery of timber and coal lands in the mountains of Kentucky, such suits being based upon real or alleged surveys purporting to have been made more than one hundred years ago. As the lands at issue have been in the most part, in peaceable possession of their present occupants or holders for many years, the courts, in the main, have decided these suits adversely to those claiming under these old grants, or surveys, and in favor of the present holders. John Rowan, a great land lawyer of Kentucky, said that "the territory of Kentucky was encumbered and cursed with a triple layer of adverse claims." Thus the man who believed that he held a valid title to the bit of ground he and his fellow pioneers had wrested from the Indians who claimed it as their hunting ground; the ground on which he had grown crops for the sustenance of his family; the ground in which perhaps he had buried some of that family—the victim of savage ferocity —this man had no assurance that some claimant who had never seen Kentucky, who had never risked his life in defense of his home and family, would not lay claim to his home and through the operations of the laws force him from its possession.

As has been stated by one writing of that period: "Under the laws and rulings of the courts, not only might the bona fide occupant who cleared the ground, erected houses, built barns, planted orchards and made fields and meadows, be evicted from his premises and divested of his title; but the new and foreign claimant was allowed to take possession and use of all improvements, without compensa-

tion, and to demand of him rent for the use of the land for the time of occupancy. Against this palpable injustice the common sentiment of the people protested in tones that demanded redress."

It was a time when the "land lawyers," as certain attorneys were called in those days, "waxed fat and kicked," not, until the legislature taking cognizance of this great injustice to the suffering people, enacted a law to the effect "that the occupant of the land from which he is evicted or deprived by better title, shall be excused from payment of rents and profits accrued prior to the actual notice of the adverse claim; provided, his possession was peaceful and he shows a plain and connected title in law or equity, deduced from some record, and that the successful claimant should be liable to a judgment against him for all valuable and lasting improvements made on the land prior to actual notice of an adverse claim."

This was an act founded upon the principles of simple justice, though the land lawyers proposed to "drive a coach and four through it" on the ground that "it was a violation of the compact of separation with Virginia, which declared that the rights and interests of lands derived from the laws of Virginia should be decided by the laws in force when the compact was made, and this precluded legislation on the subject."

It is gratifying to state that the courts of Kentucky sustained the validity of the act of the legislature, yet there was not yet to be an end to litigation over old land titles. For years the courts and lawyers were busy with innumerable suits and, as has been stated, there is still occasional litigation over the validity of some ancient titles.

CHAPTER XXVII.

FAMOUS RESOLUTIONS OF YOUNG KENTUCKY—ERRORS OF REPRODUCTION AND AUTHORSHIP—ALIEN AND SEDITION LAWS—ORIGIN OF KENTUCKY RESOLUTIONS—JEFFERSON AND BRECKINRIDGE RESOLUTIONS—TEXT OF JEFFERSON RESOLUTIONS.*

Of all the resolutions which have been enacted by the law-making powers of the different states of the Union none have been so famous and enduring as those adopted by the legislature of Kentucky in 1798 and 1799. The legislatures of older states have often entered the political arena and put forth edicts that were to settle great conflicts, but their works perished with the occasions which brought them into use and have no longer any place other than the musty pages which record them in unused journals.

Not so, however, with the resolutions of young Kentucky, a state only half a dozen years old, when she made them. Her resolves have been living things, fair, active and mighty, from their birth more than five score years ago, until the present moment. They were the strong foundation on which stood the Republican organization, when it began those assaults upon the Federalists which ended in the downfall of the latter and the triumph of the former. They were the broad platform of the great Democratic party which succeeded the Republican. (It may not be pleasant for certain uninformed Democrats of today to know that that party in the days of Jefferson was known as the Republican party.) These resolutions were the animating spirit of the states-rights politicians, who were strong when the constitution was adopted and whose numbers are yet legion in different parts of our country. They were the badge of true Democracy, the test of the accepted faith of the party for two generations after their adoption, and there are numerous Democrats yet in the land who cherish them as their political gospel. They were claimed, though erroneously, to have furnished the Promethean spark which kindled the fiery ordinance of nullification in South Carolina in 1832. They are believed by numbers to have imparted inspiration to the seceding sovereign states in 1860, which waged against the United States the most stupendous civil war of modern times. They still have their place in the political heart of millions of our people, north, south, east and west, as fresh and potent as they were when issued by the Kentucky legislators more than one hundred years ago.

But famous and enduring as these resolutions have been, they have come to our times through tradition and through history, marred by errors in their wording and false interpretation of their meaning. Although they have again and again been printed in handbills, in pamphlets and in books, it is hardly too much to say that with one exception there has never been a full and accurate reproduction of them in any single publication since they were adopted by the Kentucky legislature. Their authorship has been partly attributed to one

* The greater part of the following two chapters is from the pen of Col. R. T. Durrett and originally appeared in the "Southern Bivouac." The matter is reproduced here by his permission.—Author.

who had no share in their composition, and their exclusive paternity has been claimed for one of the illustrious trio who conceived them, when each of his colleagues was entitled to at least a part of the honor. And so the errors in regard to them have gone on and on, until the distinguished Kentuckian who sat in the conference which conceived them, presented them to the legislature and had them adopted by that body, and, in reality, had more to do with them than any other man, has been written down in some histories as having, like an automaton, only presented another's work to the legislature which adopted them, and, in others, as having had no connection with them whatever. Even as eminent a historian as Richard Hildreth commits the error of placing George Nicholas, instead of John Breckenridge, in the conference at Monticello which originated them, and in the legislature which adopted them.

With a view to correcting some of these historic blunders, and laying before the reader of today an accurate copy of these resolutions, as well as other papers connected with them and necessary for their proper understanding, this chapter is undertaken. To accomplish this end, no way seems so simple as a plain statement of the historic facts concerning these resolutions and a reproduction of them, together with other papers connected with them from originals which have long been out of print and which are now so rare as to be out of reach of the general reader. As these resolutions, although issued in Kentucky, were not local in character but eminently national in their scope, there must be many outside of this commonwealth who will be thankful for a true sight of these celebrities of the eighteenth century.

In the summer of 1798, the Acts of Congress known as the Alien and Sedition laws, were passed, the former on the 22d of June and the latter on the 14th of July. The Alien act was designed to rid the country of obnoxious foreigners and the Sedition act to punish citizens whose tongues spoke and whose pens wrote too severely against the president and the congress. Never were acts of congress received by a vast majority of the people with more bitter and deep condemnation. A cry of indignation went up against them from every quarter of the land. Petitions for their repeal, loaded with long lists of signatures, poured in from near and distant sections. Public meetings were held in different states at which burning resolutions of denunciation were adopted and defiant speeches uttered by flaming orators. The opposition newspapers were gorged with terrific articles over such tyrant-destroying signatures as "Brutus" and "Cassius" and inflammatory pamphlets issued to swell the fearful cry of abhorrence. Distinguished foreigners, who had helped with their money or their swords, to gain our liberty, fled from the home of the free as from a land reeking with pestilence. The officers of the Federal courts, metamorphosed into human gaggers and newspaper censors, used the might of their position for crushing their fellow citizens who had presumed to write or speak unbecomingly of the powers that ruled. Matthew Lyon, a member of congress from Vermont, was indicted in the United States court of that state for having too severely criticised the conduct of the president and of the congress, and was fined one thousand dollars and incarcerated in the loathsome prison of Vergennes for four months. The grandson of Matthew Lyon was afterward a prominent citizen of Kentucky, and as Gen. H. B. Lyon, won distinction as a gallant leader of Confederate cavalry in the War between the States.

Indictments were found against other leading men for similar offenses and the fate of Lyon was held up as an earnest of what all might expect who presumed to exercise the freedom of speech and the freedom of the press, guaranteed by the second amendment of

the constitution. The Federal majority which passed these obnoxious laws still existed in congress, but blind to this portentious rising of the people against them, calmly looked upon the gathering storm without due efforts to arrest it until it gathered a strength which finally swept them from power.

In the midst of this tremendous excitement incident to the Alien and Sedition laws, John Breckinridge of Kentucky and Wilson C. Nicholas, of Virginia, on a visit to Monticello in the fall of 1798 had a conference with Thomas Jefferson, the leader if not the father of the then Republican party, as to the constitutionality of these laws and the best mode of averting their danger. From a letter afterwards written by Mr. Jefferson to J. Cabell Breckinridge, a son of John Breckinridge, some important facts are learned as to this meeting of these three distinguished gentlemen and the origin of the Kentucky Resolutions. As this letter, when a copy of it was found among the papers of Mr. Jefferson by his executor, was erroneously assumed to have been written to a son of Mr. Nicholas and first given to the public addressed to ——— Nicholas, on page 344 of the fourth volume of Mr. Randolph's "Life of Jefferson;" and as this mistake has been unfortunately repeated not only in histories of Kentucky, but those of other states and of the United States, a reproduction of it here is necessary to the truth of history, as well to the elucidation of the Resolutions. The letter in question is as follows:

"MONTICELLO, Dec. 11-21.

"Dear Sir: Your letter of Dec. 19th places me under a dilemma which I cannot solve, but by an exposition of the naked truth. I would have wished this rather to have remained as hitherto, without enquiry, but your enquiries have a right to be answered. I will do it as exactly as the great lapse of time and a waning memory will permit me. I may misremember indifferent circumstances but can be right in substance. At the time when the Republicans of our country were so much alarmed at the proceedings of the Federal ascendancy in Congress, in the Executive and the Judiciary departments, it became a matter of serious consideration how head could be made against their enterprises on the Constitution. The leading Republicans in Congress found themselves of no use there, browbeaten as they were by a bold and overwhelming majority. They concluded to retire from that field; take a stand in their State legislatures, and endeavor there to arrest their progress. The Alien and Sedition laws furnished the particular occasion. The sympathy between Virginia and Kentucky was more cordial and more intimately confidential than between any other two States of Republican policy. Mr. Madison came into the Virginia Legislature I was then in the Vice Presidency and could not leave my station, but your father, Col. W. C. Nicholas, and myself happening to be together, the engaging the co-operation of Kentucky in an energetic protestation against the constitutionality of these laws became a subject of consultation. Those gentlemen pressed me strongly to sketch resolutions for that purpose, your father undertaking to present them to that Legislature with a solemn assurance, which I strictly required, that it should not be known from what quarter they came. I drew and delivered them to him and in keeping their origin secret he fulfilled his pledge of honor. Some years after this, Col. Nicholas asked me if I would have any objection to its being known that I had drawn them. I pointedly enjoined that it should not. Whether he had unguardedly intimated it before to any one I know not, but I afterwards observed in the papers repeated imputations of them to me; on which, as has been my practice on all occasions of imputation, I have observed entire silence. The question, indeed, has never before been put to me, nor should I answer it to any other than yourself, seeing no good end to be proposed by it, and the desire for tranquility inducing with me a wish to be withdrawn from public notice. Your father's zeal and talents were too well-known to deserve any additional distinction from the penning these resolutions. That circumstance surely was of far less merit than the proposing and carrying them through the Legislature of his State. The only fact in this statement on which my memory is not distinct is the time and occasion of the consultation with your father and Mr. Nicholas. It took place here, I know, but whether any other person was present, or communicated with, is my doubt. I think Mr. Madison was either with us or consulted, but my memory is uncertain as to minute details. I fear, dear sir, we are now on such another crisis with this difference only, that the Judiciary branch is alone and single-handed in the present assaults on the Constitution,

but its assaults are more sure and deadly, as from an agent seemingly passive and unassuming. May you and your contemporaries meet them with the same determination and effect as your father and his did the Alien and Sedition laws, and preserve inviolate a Constitution which, cherished in all its chastity and purity, will prove in the end a blessing to all the nations of the Earth. With these prayers, accept those for your own happiness and prosperity."

"THOMAS JEFFERSON."

While it is painful to see, in the foregoing letter, so broad a claim upon the part of Mr. Jefferson to the authorship of these resolutions, without an ample acknowledgment that they were drafted in conformity with the previously agreed views of himself, John Breckinridge and Wilson C. Nicholas and possibly Mr. Madison, and without a suggestion that they had been materially altered by John Breckinridge before he laid them before the Kentucky legislature which adopted them, the letter shows that in this meeting at Monticello, it was agreed between these distinguished gentlemen that the best way to counteract the Alien and Sedition laws was to array the state legislatures against them. To this end, a series of resolutions was to be prepared for the Kentucky legislature which should make this state, in cooperation with Virginia, put forth a solemn protest against the constitutionality of these laws, and Mr. Breckinridge, then a member of the Kentucky legislature, was to undertake to have them adopted by that body. This conclusion having been reached at the conference, it was but natural and courteous that Mr. Jefferson should have been invited to draft the resolutions. He was vice president of the United States and the acknowledged leader of the political party then gathering strength for its impending conflict with the Federalists and destined in its triumph, to make him the successor of Mr. Adams in the presidential chair. The conference, moreover, was at the home of Mr. Jefferson, and it would have been scarcely less than rude for his guests not to have urged their host to sketch the resolutions. When the promise, therefore, of secrecy, was made, Mr. Jefferson did draw a series of resolutions and deliver them to Mr. Breckinridge.

The resolutions thus drawn by Mr. Jefferson were not, however, identical with those which Mr. Breckinridge afterwards presented to the Kentucky legislature and which were adopted by that body. The first seven of the Breckinridge, or Kentucky resolutions, are the same as these numbers of the Jefferson draft, except as to a few unimportant verbal changes; but the eighth and ninth of the Breckinridge or Kentucky set, are radically different from these numbers in the Jefferson draft. Mr. Breckinridge, after receiving the Jefferson draft, evidently exercised his right to so alter the text as to make the resolutions meet his own views and conform to his understanding of their tenor and import as agreed in the conference. As it is the purpose of this paper to supply both the Jefferson and the Breckinridge or Kentucky resolutions, no attempt is made here to point out the differences between the two. As the Jefferson resolutions come first in historical sequence, they are given first here, from a copy of them as found in his papers after his death, by his executor, Mr. Thomas Jefferson Randolph:

TEXT OF JEFFERSON RESOLUTIONS.

"*Resolved*: That the several States composing the United States of America, are not united on the principle of unlimited submission to the General Government; but that by a compact under the style and title of a Constitution for the United States and of amendments thereto, they constituted a General Government for special purposes; delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void and of no force; that to this compact each State acceded as a State and is an integral party; its Co-States forming as to itself, the other party; that the Government cre-

ated by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its descretion and not the Constitution the measure of its powers, but that, as in all other cases of compact, among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

"(2)—*Resolved*: That the Constitution of the United States having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States; piracies and felonies upon the high seas and offenses against the law of nations and no other crimes whatsoever, and it being true, as a general principle and one of the amendments to the Constitution having also declared, that 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or the people,' therefore the act of Congress passed on the 14th of July, 1798, and entitled 'An act in addition to the act entitled an act for the punishment of certain crimes against the United States,' as also the act passed by them on the —— day of June, 1798, entitled 'An act to punish frauds committed on the Bank of the United States' (and all other their acts which assume to create, define or punish crimes other than those so enumerated in the Constitution) are altogether void and of no force, and that the power to create, define and punish such other crimes is reserved and of right appertains solely and exclusively to the respective States, each within its own territory.

"(3)—*Resolved*: That it is true, as a general principle and is also expressly declared by one of the amendments to the Constitution, that the powers not delegated to the United States by the Constitution nor prohibited by it to the States, were reserved to the States respectively or to the people, and that no power over the freedom of religion, freedom of speech or freedom of the press being delegated to the United States by the Constitution nor prohibited by it to the States, all lawful powers respecting the same did of right remain and were reserved to the States or the people; that thus was manifested their determination to retain themselves the right of judging how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom, and how far those abuses which cannot be separated from their use, should be tolerated rather than the use be destroyed; and thus also, they guarded against all abridgement by the United States of the freedom of religious opinions and exercises, and retained to themselves the right of protecting the same; as this State by law passed on the general demand of its citizens, had already protected them from all human restraints or interference, and that in addition to this general principle and express declaration, another and more special provision has been made by one of the amendments to the Constitution, which expressly declares that 'Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press,' thereby guarding in the same sentence and under the same words, the freedom of religion, of speech and of the press, insomuch that whatever violates either throws down the sanctuary which covers the others and that libels, falsehood and defamation, equally with heresy and false religion, are withheld from the cognizance of Federal tribunals; that, therefore, the act of Congress of the United States passed on the 14th day of July, 1798, entitled 'An act in addition to an act entitled an act for the punishment of certain crimes against the United States,' which does abridge the freedom of the press, is not law, but is altogether void and of no force.

"(4)—*Resolved*: That alien friends are under the jurisdiction and protection of the laws of the State wherein they are; that no power over them has been delegated to the United States, nor prohibited to the individual States distinct from their power over citizens, and it being true, as a general principle and one of the amendments to the Constitution having also declared that 'the powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively or to the people,' the act of the Congress of the United States passed on the —— day of July, 1798, entitled 'an act concerning aliens,' which assumes power over alien friends not delegated by the Constitution, is not law but is altogether void and of no force

"(5)—*Resolved*: That in addition to the general principle, as well as the express declaration that powers not delegated are reserved, another and more special provision inserted in the Constitution from abundant caution has declared that 'the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808;' that this Commonwealth does admit the emigration of alien friends described as the subjects of the said act concerning aliens; that a provision against prohibiting their migration is a provision against all acts equivalent thereto, as it would be nugatory; that to remove them when emigrated

is equivalent to a prohibition of their migration and is therefore contrary to the said provision of the Constitution and void.

"(6)—*Resolved*: That the imprisonment of a person under the protection of the laws of this Commonwealth on his failure to obey the simple order of the President to depart out of the United States, as is undertaken by the said act entitled 'an act concerning aliens,' is contrary to the Constitution, one amendment of which has provided that 'no person shall be deprived of liberty without due process of law,' and that anotner having provided that 'in all criminal proceedings the accused shall enjoy the right to a public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.' The same act, undertaking to authorize the President of the United States to remove a person out of the United States who is under the protection of the law, on his own suspicion, without accusation, without jury, without public trial, without confrontation of the witnesses against him, without hearing witnesses in his favor, without defense, without counsel, is contrary to these provisions, also of the Constitution, is therefore not law, but utterly void and of no force; that transferring the power of judging any person who is under the protection of the law, from the courts to the President of the United States, as is undertaken by the same act concerning aliens, is against the article of the Constitution which provides that 'the judicial power of the United States shall be vested in courts, the judges of which shall hold their offices during good behavior;' and that the said act is void for that reason also; and it is further to be noted that this transfer of judiciary power is to that magistrate of the General Government who already possesses all the executive and a negative on all the legislative powers.

"(7)—*Resolved*: That the construction applied by the General Government (as is evidenced by sundry of their proceedings) to those parts of the Constitution of the United States which delegate to Congress a power 'to lay and collect taxes, duties, imports and excises to pay the debt and provide for the common defense and general welfare of the United States, and to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the Government of the United States or in any department or offices thereof,' goes to the destruction of all the limits prescribed to their power by the Constitution; that words meant by that instrument to be subsidiary only to the execution of limited powers ought not to be so construed as themselves to give unlimited powers, nor a part to be so taken as to destroy the whole residue of that instrument; that the proceedings of the General Government under color of these articles will be a fit and necessary subject of revisal and correction at a time of greater tranquility while those specified in the preceding resolutions call for immediate redress.

"(8)—*Resolved*: That a committee of Conference and Correspondence be appointed, who shall have in charge to communicate the preceding resolutions to the Legislatures of the several States; to assure them that this Commonwealth continues in the same esteem for their friendship and union which it has manifested from that moment at which a common danger first suggested a common union; that it considers union, for specified national purposes, and particularly for those specified in their late Federal Compact, to be friendly to the peace, happiness and prosperity of all the States; that faithful to that compact according to the plain intent and meaning in which it was understood and acceded to by the several parties, it is sincerely anxious for its preservation; that it does also believe that to take from the States all the powers of self-government and transfer them to a general and consolidated government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness nor prosperity of these States; and, that therefore, this Commonwealth is determined, as it doubts not its co-States are, to submit to undelegated and consequently unlimited powers in no man or body of men on earth; that in cases of the abuse of the delegated powers, the members of the General Government being chosen by the people, a change by the people would be the constitutional remedy; but where powers are assumed which have not been delegated, a nullification of the act is the right remedy; that every State has a natural right, in cases not within the compact, to nullify of their own authority all assumptions of power by others within their limits; that without their right they would be under the dominion, absolute and unlimited, of whatsoever might exercise this right of judgment for them; that nevertheless, this Commonwealth, from motives of regard and respect for its co-States, has wished to communicate with them on the subject; that with them alone it is proper to communicate, they alone being parties to the compact and solely authorized to

judge, in the last resort, of the powers exercised under it, Congress being not a party, but merely the creature of the compact and subject, as to its assumption of power, to the final judgment of those by whom and for whose use itself and its powers were all created and modified; that, if the acts before specified should stand, these conclusions would flow from them, that the General Government may place any act they think proper on the list of crimes and punish it themselves whether enumerated or not enumerated by the Constitution as cognizable by them; that they may transfer its cognizance to the President or any other person, who may, himself, be the accuser, counsel, judge and jury, whose suspicions may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transactions; that a very numerous and valuable description of the inhabitants of these States being by this precedent, reduced as outlaws to the absolute dominion of one man and the barrier of the Constitution thus swept away for us all, no rampart now remains against the passions and the power of a majority in Congress to protect from a like exportation, or other more grievous punishment the minority of the same body, the legislatures, judges, governors and counsellors of the States, nor their other peaceable inhabitants who may venture to reclaim the Constitutional rights and liberties of the States and people or who, for other causes, good or bad, may be obnoxious to the views or marked by the suspicion of the President, or be thought dangerous to his or their elections or other interests public or personal; that the friendless alien has indeed been selected as the safest subject of a first experiment, but the citizen will soon follow; rather, has already followed, for already has a sedition act marked him as its prey; that these and successive acts of the same character, unless arrested at the threshold, necessarily drive these States into revolution and blood, and will furnish new calumnies against republican governments and new pretexts for those who wish it to be believed that man cannot be governed but by a rod of iron; that it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights; that confidence is everywhere the parent of despotism. Free government is founded in jealousy and not in confidence; it is jealousy and not confidence, which prescribes limited constitutions, to bind down those whom we are obliged to trust with power; that our Constitution has accordingly fixed the limits to which and no further, our confidence may go. And let the honest advocate of confidence read the Alien and Sedition acts and say if the Constitution has not been wise in fixing limits to the Government it created, and whether we would be wise in destroying those limits. Let him say what the Government is, if it be not a tyranny which the men of our choice have conferred on our President and the President of our choice has assented to and accepted, over the friendly strangers to whom the mild spirit of our country and its laws had pledged hospitality and protection; that the men of our choice have more respected the bare suspicions of the President than the solid rights of innocence, the claims of justification, the sacred force of truth and the forms and substance of law and justice; in questions of power then let no more be heard of confidence in man but bind him down from mischief by the chains of the Constitution; that this Commonwealth does therefore call on its co-States for an expression of their sentiments on the acts concerning aliens and for the punishment of certain crimes hereinbefore specified; plainly declaring whether these acts are, or are not, authorized by the Federal compact.

"And it doubts not that their sense will be so enounced as to prove their attachment unaltered to limited government, whether general or particular, and that the rights and liberties of their co-States will be exposed to no dangers by remaining embanked in a common bottom with their own; that they will concur with this Commonwealth in considering the said acts as so palpably against the Constitution as to amount to an undisguised declaration that that compact is not meant to be the measure of the powers of the General Government, but that it will proceed in the exercise over these States of all powers whatsoever; that they will view this as seizing the rights of the States and consolidating them in the hands of the General Government with a power assumed to bind the States (not merely in the cases made Federal) but in all cases whatsoever, by laws made not with their consent, but by others against their consent; that this would be to surrender the form of government we have chosen and to live under one deriving its powers from its own will and not from our authority, and that the co-States recurring to their natural rights, in cases not made Federal, will concur in declaring these acts void and of no force, and will each take measures of its own for providing that neither these acts nor any others of the General Government not plainly and intentionally authorized by the Constitu-

tion, shall be exercised within their respective territories.

"(9)—*Resolved*: That the said Committee be authorized to communicate, by writing or personal conferences at any times or places whatever, with any person or persons who may be appointed by any one or more of the co-States to correspond or confer with them, and that they lay their proceedings before the next session of the Assembly."

"NOTE.—Richmond, March 21, 1832—I have carefully compared this copy with the Mss. of these resolutions in the handwriting of Thomas Jefferson, and find it a correct and full copy."

"(Signed) TH. JEFFERSON RANDOLPH."

CHAPTER XXVIII.

THE BRECKINRIDGE RESOLUTIONS—TEXT OF ADOPTED RESOLUTIONS—FREEDOM OF SPEECH VIOLATED—ALIEN LAW NULL AND VOID—UNLAWFULLY DEPRIVED OF LIBERTY—PROTEST AGAINST CENTRALIZED GOVERNMENT—CALL UPON THE CO-STATES.

On November 5, 1798, the legislature of Kentucky assembled at Frankfort. On the 7th, John Breckinridge gave notice that on the following day he would move the house to go into committee of the whole for the consideration of that portion of the executive's message which related to the Alien and Sedition laws. Accordingly on the 8th, the house went into committee of the whole on the motion of Mr. Breckinridge, who then offered for adoption the Kentucky Resolutions of 1798.

As these resolutions have been so often inaccurately printed, nothing short of a reproduction of them precisely as they came from the Kentucky legislature would be just or proper. The only difference between the original and the copy which follows is found in adopting the modern style of spelling, instead of that of the original, and the use of the letter "s" for that of "f" wherever the latter was used, in accordance with the custom and usage of that date.

"KENTUCKY LEGISLATURE

"In the House of Representatives

"November 10th, 1798

"The House, according to the standing Order of the Day, resolved itself into a Committee of the Whole on the state of the Commonwealth

"Mr. Caldwell in the chair.

"And after some time spent therein, the Speaker resumed the Chair and Mr. Caldwell reported that the Committee had, according to order, had under consideration the Governor's Address and had come to the following resolutions thereupon, which he delivered in at the Clerk's table where they were twice read and agreed to by the House.

I—"Resolved, That the several States composing the United States of America, are not united on the principle of unlimited submission to their General Government, but that by compact under the style of a Constitution for the United States and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void and of no force. That to this compact, each State acceded as a State and in an integral party, its co-States forming as to itself, the other party. That the Government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion and not the Constitution, the measure of its powers; but that as in all other cases of compact among parties having no common Judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

II—"Resolved, that the Constitution of the United States, having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies and felonies committed on the High Seas, and offences against the laws of nations, and no other crimes whatever, and it being true, as a general principle, and one of the amendments to the Constitution having also declared 'that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people,' therefore, also the same act of Congress passed on the 14th day of July, 1798, and entitled 'An act in addition to the act entitled an act for the punishment of certain crimes against the United States;' as also, the act passed by them on the 27th day of June, 1798 entitled 'An act to punish frauds committed on the Bank of the United States' (and all other, their acts which assume to create, define or punish crimes other than those enumerated in the Constitution,) are altogether void and of no force and that the power to create, define and punish such other crimes is reserved and of right, appertains solely and exclusively to the respective States, each within its own territory.

III—"Resolved, that it is true as a general principle and is also expressly declared by one of the amendments to the Constitution, that 'the powers not delegated to the United States by the Constitution nor prohibited to it by the the States, are reserved to the States respectively or to the people' and that no power over the freedom of religion, freedom of speech or freedom of the press being delegated to the United States by the Constitution nor prohibited by it to the States, all lawful powers respecting the same did, of right, remain and were reserved to the States or to the people: That thus was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom, and how far those abuses which cannot be separated from their use, shall be tolerated rather than the use be destroyed; and thus also, they guarded against all abridgement by the United States of the freedom of religious opinions and exercises and retained to themselves the right of protecting the same as this State, by a law passed on the general demand of its citizens, had already protected them from all human restraint or interference. And that, in addition to this general principle and express declaration, another and more special provision has been made by one of the amendments to the Constitution which expressly declares that 'Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press' thereby guarding in the same sentence and under the same words, the freedom of religion, of speech and of the press, insomuch that whatever violates either throws down the sanctuary which covers the others, and that libels, falsehoods and defamation equally with heresy and false religion, are witheld from the cognizance of Federal tribunals. That, therefore, the Act of the Congress of the United States passed on the 14th day of July, 1798, entitled 'An act in addition to the act for the punishment of certain crimes against the United States,' which does abridge the freedom of the press, is not law but is altogether void and of no effect.

IV—"Resolved, that alien friends are under the jurisdiction and protection of the State wherein they are; that no power over them has been delegated to the United States nor prohibited to the individual States distinct from their powers over citizens; and, it being true as a general principle and one of the amendments of the Constitution having also declared, that 'the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people' the Act

of the Congress of the United States passed on the 22d day of June, 1798, entitled 'An act concerning aliens, which assumes power over alien friends not delegated by the Constitution, is not law but is altogether void and of no force.

V—"Resolved, That in addition to the general principle, as well as the express declaration, that powers not delegated are reserved, another and more special provision inserted in the Constitution from abundant caution, has declared 'that the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808.' That this Commonwealth does admit the migration of alien friends described as the subject of the said act concerning aliens; that a provision against prohibiting their migration, is a provision against all acts equivalent thereto, or it would be nugatory; that to remove them when migrated or equivalent to a prohibition of their migration, and is therefore contrary to the said provision of the Constitution and void.

VI—"Resolved, That the imprisonment of a person under the protection of the laws of this Commonwealth on his failure to obey the simple order of the President to depart out of the United States, as is undertaken by the said act entitled 'An act concerning aliens' is contrary to the Constitution, one amendment to which has provided that 'no person shall be deprived of liberty without due process of law' and that another having provided that 'in all criminal prosecutions, the accused shall enjoy the right to a public trial by an impartial jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence,' the act undertaking to authorize the President to remove a person out of the United States who is under the protection of the law, on his own suspicion, without accusation, without jury, without public trial, without confrontation of the witnesses against him, without having witnesses in his favor, without defense, without counsel, is contrary to these provisions also of the Constitution, is therefore not law but utterly void and of no force.

"That transferring the power of judging any person who is under the protection of the laws from the courts to the President of the United States, as is undertaken by the same act concerning aliens, is against the article of the Constitution which provided that 'the judicial power of the United States shall be vested in Courts the judges of which shall hold their offices during good behavior' and that the said act is void for that reason also; and it is further to be noted that this transfer of judicial power is to that magistrate of the General Government who already possesses all the Executive, and a qualified negative in all the legislative powers.

VII—"Resolved, That the construction applied by the General Government (as is evidenced by sundry of their proceedings) to those parts of the Constitution of the United States which delegate to Congress a power to lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defence and general welfare of the United States, and to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the Government of the United States, or any Department thereof, goes to the destruction of all the limits prescribed to their power by the Constitution—that words meant by that instrument to be subsidiary only to the execution of the limited power ought not to be so construed as themselves to give unlimited powers, nor a part so to be taken as to destroy the whole residue of the instrument; that the proceedings of the General Government under color of these articles will

be a fit and necessary subject for revisal and correction at a time of greater tranquility while those specified in the preceding resolutions call for immediate redress.

VIII—"Resolved, That the preceding Resolutions be transmitted to the Senators and Representatives in Congress from this Commonwealth who are hereby enjoined to present the same to their respective houses and to use their best endeavors to procure at the next session of Congress a repeal of the aforesaid unconstitutional and obnoxious acts.

IX—"Resolved, lastly, that the Governor of this Commonwealth be and is hereby authorized and requested to communicate the preceding resolutions to the Legislatures of the several States; to assure them that this Commonwealth considers Union for specified national purposes, and particularly for those specified in their late Federal Compact, to be friendly to the peace, happiness and prosperity of all the States; that, faithful to that compact according to the plain intent and meaning in which it was understood and acceded to by the several parties, it is sincerely anxious for its preservation; that it does also believe that to take from the States all their powers of self-government and transfer them to a general and consolidated Government without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness or prosperity of these States, and that therefore, this Commonwealth is determined, as it doubts not its co-States are, tamely to submit to undelegated and consequently unlimited powers in no man or body of men on earth; that if the acts before specified should stand, these conclusions would flow from them: That the General Government may place any act they think proper on the list of crimes and punish it themselves, whether enumerated or not enumerated by the Constitution as cognizable by them; that they may transfer its cognizance to the President or any other person who may himself be the accuser, counsel, judge and jury, whose suspicions may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transaction; that a very numerous and valuable discription of the inhabitants of these States being, by this precedent, reduced as outlaws to the absolute dominion of one man and the barrier of the Constitution thus swept away from us all, no rampart now remains against the passions and the power of a majority of Congress to protect them from a like exportation or other more grievous punishment the minority of the same body, the Legislatures, Judges, Governors and Counsellors of the States nor their other peaceable inhabitants who may venture to reclaim the constitutional rights and liberties of the States and people or who, for other causes, good or bad, may be obnoxious to the views or marked by the suspicions of the President, or be thought dangerous to his or their elections or other interests, public or personal; that the friendless alien has indeed been selected as the safest subject of a first experiment, but the citizen will soon follow, or rather has already followed for already has a Sedition act marked him as its prey; that these and successive acts of the same character, unless arrested on the threshold, may tend to drive these States into revolution and blood, and will furnish new calumnies against Republican Governments and new pretexts for those who wish it to be believed that man cannot be governed except by a rod of iron; that it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights: that confidence is everywhere the parent of despotism: free government is founded in jealousy and not in confidence; it is jealousy and not confidence which prescribes limited Constitutions to bind down those whom we are obliged to trust with power: that our Constitution has accordingly fixed the limits to which and no further, our confidence

may go, and let the honest advocates of confidence read the Alien and Sedition Acts and say if the Constitution has not been wise in fixing limits to the Government it created and whether we should be wise in destroying those limits. Let him say what the Government is if it be not a tyranny which the men of our choice have conferred on the President and the President of our choice has assented to and accepted, over the friendly strangers to whom the mild spirit of our country and its laws, had pledged hospitality and protection; that the men of our choice have more respected the bare suspicions of the President than the solid rights of innocence, the claims of justification, the sacred force of truth and the forms and substance of law and justice. In questions of power then, let no more be heard of confidence in man but bind him down from mischief by the chain of the Constitution.

"That the Commonwealth does therefore call on its co-States for an expression of their sentiments on the acts concerning Aliens and for the punishment of certain crimes hereinbefore specified, plainly declaring whether these acts are or are not authorized by the Federal Compact. And it doubts not that their sense will be so announced as to prove their attachment unaltered to limited Government, whether general or particular, and that the rights and liberties of their co-States will be exposed to no dangers by remaining embarked on a common bottom with their own. That they will concur with the Commonwealth in considering the said acts as so palpably against the Constitution as to amount to an undisguised declaration that the Compact is not meant to be the measure of the powers of the General Government but that it will proceed in the exercise and these States of all powers whatsoever: That they will view this as seizing the rights of the States and consolidating them in the hands of the General Government with a power assumed to bind the States (not merely in cases made Federal) but in all cases whatsoever by laws made, not with their consent but by others against their consent; That this would be to surrender the form of government we have chosen, and to live under one deriving its powers from its own will and not from our authority, and that the co-States, recurring to their natural rights in cases not made Federal, will concur in declaring these acts void and of no force, and will each unite with this Commonwealth in requesting their repeal at the next session of Congress.

"Edmund Bullock, S. H. R.
"John Campbell, S. S. pro tem.

"Passed the House of Representatives Nov. 10, 1798.
"Attest Thomas Todd, C. H. R.

In Senate, November 13, 1798; unanimously concurred in.
Attest B. Thurston, Clk. Senate.

Approved Nov. 16, 1798.
James Garrard, G. K.
By the Governor
Harry Toulmin,
Secretary of State.

CHAPTER XXIX.

Nullification Not in Kentucky Resolutions—Adopted Without Amendment—Source of Foregoing Draft—Other State Legislatures Respond—Supported by Mother Alone.

By comparing the Jefferson resolutions with those of Breckinridge, it will be seen that there is a radical difference between them. The Jefferson set provide, at the beginning of the eighth resolution, which is a long one, embodying various matters, for a committee of conference and correspondence to communicate the resolutions to the different state legislatures, with a view to inducing these bodies to declare null and void acts of congress not authorized by the constitution, while the eighth resolution in the Breckinridge set is short and provides only for transmitting the resolutions to the Kentucky senators and representatives in congress, with a view to securing the repeal of the unconstitutional acts.

Human ingenuity could hardly use words to express thoughts and embody principles more antagonistic. To repeal an act of congress in the way pointed out by the constitution, has no conceivable similarity with its nullification by a single state, in its assumption of a sovereignty over and above congress. The two principles are the antipodes of the political globe.

Again, in the eighth resolution of the Jefferson series, will be found the following significant words which are not in the Breckinridge series: "That in cases of an abuse of the delegated powers, the members of the general government, being chosen by the people, a change by the people would be the constitutional remedy, but where powers are assumed which have not been delegated, a nullification of the act is the right remedy; that every state has a natural right in cases not within the compact, to nullify of their own authority, all assumptions of power by others within their limits."

And this eighth resolution closes with the following additional remarkable words, not to be found in the Breckinridge series: "Will each take measures of its own for providing that neither these acts nor any others of the General Government, not plainly and intentionally authorized by the constitution, shall be exercised within their respective territories."

These two extracts from the Jefferson resolutions embody the doctrine of nullification, as exemplified by South Carolina in 1832, but it will be in vain to search for this doctrine in the Breckinridge, or Kentucky resolutions of 1798. And if there were no other differences between the Jefferson and Breckinridge resolutions, this variance is fundamental enough to assign to the two sets separate authorship and to class them as formulas of different political creeds.

The Kentucky Resolutions of 1798, while asserting in its length and breadth and depth the doctrine of States Rights, look only to the repeal of unconstitutional laws passed by congress, while the Jefferson resolutions look to the nullification of such acts, and this by a single state.

The resolutions of 1798 were adopted by the Kentucky legislature without amendment, precisely as they were offered by Mr. Breckinridge, but not without opposition. The opponents were few as compared with the advocates and yet quite a debate occurred between Mr. Breckinridge, the member from Fayette, and Mr. William Murray, the member from Franklin, a lawyer of commanding intellect, learning and eloquence. However interesting a report of the discussion might be to a few special readers, the large space already granted to this important subject, forbids its reproduction here. Other distinguished members of the House—Thomas Clay of Madison, Philemon Thompson of Mason, Robert Johnson of Scott, James Smith of Bourbon and Alexander McGregor of Fayette—took part in the discussion, but the main debate was between Mr. Breckinridge and Mr. Murray.

On the 10th of November, 1798, the house came to a vote on the resolutions and adopted them without amendment. Just as they had been offered by Mr. Breckinridge, they received the legislative sanction. There was but one vote against the entire series, and that was by Mr. Murray. One other member voted with Mr. Murray against the second, third, fourth, fifth, sixth, seventh and eighth resolutions, and two joined him in voting against the ninth.

On the 13th of November, the resolutions were unanimously adopted by the senate, and on the 16th of the same month, were approved by Governor Garrard. The legislature ordered one thousand copies to be printed and it is from a facsimile of one of these copies that the reproduction of these famous resolutions is made in this volume. In conformity with the act providing for the printing, fifty copies were delivered to the governor to be sent to the Kentucky members of congress and to the legislatures of the different states, while the remaining nine hundred and fifty copies were divided among the legislators for distribution.

It was not long after the governor sent out these resolutions before responses began to come from the different state legislatures.

The little state of Delaware was the first to take action upon the subject. On the 1st of February, 1799, her legislature disposed of the subject in half a dozen lines which characterized the resolutions, "As a very unjustifiable interference with the General Government and constituted authorities of the United States, and of dangerous tendency, and therefore, not a fit subject for the further consideration of the general assembly."

The yet smaller state of Rhode Island came next in opposition. She declared that the authority to pass upon the constitutionality of an act of congress was vested in the judiciary department of the government and that she deemed the Alien and Sedition laws in accordance with the constitution. Clearly right in the contention that the question was one for judicial consideration in the final analysis, it is somewhat amusing to observe the legislature which made that contention at once taking judicial notice of the question involved and deciding upon its constitutionality—in other words, usurping the authority of the tribunal to which it appealed. While technically correct in stating that the issues involved were for final judicial declaration, there does not appear to be any constitutional inhibition against the legislature of any state declaring its views upon any act of the congress, as Kentucky had done in the Resolutions of 1798.

Massachusetts followed Rhode Island. On the 9th of February, 1799, her legislature adopted quite a lengthy argument against the resolutions in which they took a position similar to Rhode Island. While the latter had contented herself with briefly saying that she deemed the Alien and Sedition laws constitutional, Massachusetts made use of much logic

to show that those acts were both authorized by the constitution and demanded by the exigencies of the times. She even argued the authority for them from the old common law and found in them a mitigation from the severity of that law.

New York followed on the 5th of March, with a moderately long preamble and very short resolution denouncing the resolutions as "inflammatory and pernicious" and declaring her "incompetency as a branch of the legislature of this state, to supervise the acts of the General Government."

In May, the legislature of Connecticut took action on the subject and showed that she regarded the position taken by the resolutions against the Alien and Sedition acts as their most objectionable features.

On the 14th of June, New Hampshire expressed herself curtly against the resolutions and assuming a belligerent attitude, declared against the resolutions and putting on her war paint, somewhat ridiculously declared that she intended to defend the constitution of the United States "against every aggression, either foreign or domestic." It does not appear to have occurred to the warlike New Hampshire statemen that the Kentucky Resolutions were a dignified and manly protest against a violation of that same constitution, to the defense of which they appeared to be at least legislatively inclined to fly to arms. The "representative from Bunkum" appears to have made an early appearance in the legislatures of the country and is by no means confined to any particular section.

Vermont followed on the 30th of October, with a declaration against the resolutions in which she said: "It belongs not to state legislatures to decide on the constitutionality of laws made by the General Government, this power being exclusively vested in the judiciary." Again it may be stated that this contention appears to be correct, but the right of petition is granted to the people by the constitution, and if they select to appeal through their legislature, for the repeal of laws deemed by them as obnoxious and unconstitutional, their action is within their rights and far more likely to receive the attention of the law-making body than a simple petition to congress, though the latter represents thousands of signers and be presented to the house or senate by some man of distinction and then snugly tucked away in a committee room pigeon-hole, there to accumulate dust until the annual cleaning when it takes its way to the paper mill for rehabilitation.

The Kentucky Resolutions of 1798 were adopted one hundred and twelve years ago. They are still quoted today in the United States congress—in the highest courts of the country—and are recognized as a political classic, while the belligerent legislative statesmen of New Hampshire, "dead and turned to clay, may serve to stop a crack and keep the winds away."

These seven states were all that enacted formal resolutions antagonistic to those of Kentucky. An equal number of states—Pennsylvania, New Jersey, Maryland, North Carolina, South Carolina, Tennessee and Georgia maintained silence on the subject.

Virginia alone adopted resolutions similar to those of Kentucky; so, that of her fifteen sister states, all that then existed, Kentucky had in response to her resolutions one avowed friend, seven open opponents and seven whose silence left conjecture to form such an opinion as it might as to their sentiments. Virginia however, was with Kentucky, and that was a mighty support. The Mother of States and of Statesmen had taken the first begotten of the republic by the tender hand and said "well done." What fear had young Kentucky of avowed enemies or doubtful mutes, when Virginia, with her wise statesmen and glorious memories, was with her? The backwoods statesmen who had so often stood firm at the fierce sound of the rifle of the savage con-

cealed in his native wilds, were not seriously frightened by the roar of the paper artillery fired at them from the distant seashore. They had greeted their polished brethren on the sunny side of the mountains with their Resolutions of 1798 couched in the genteelest language they could command, and when answers came that seemed rough for State papers they rejoined with the Resolutions of 1799, again genteel, but firm and decisive.

CHAPTER XXX.

As to Action of Other States—Text of 1799 Resolutions—Nullification Clause — Supreme Court, Constitution's Guardian.

The legislature of 1799 assembled at Frankfort on the 4th of November and by an overwhelming majority John Breckinridge, the mover of the resolutions of 1798, was elected speaker of the house. On the following day, Governor Garrard, after delivering his inaugural address, sent to the legislature the answers which the different states had made to the resolutions of 1798. It was, at first, thought best to take no further action upon these answers than to print eight hundred copies for distribution, which was done. Further reflection, however, led to a different conclusion.

On the 8th of November, therefore, the house resolved itself into a committee of the whole on the state of the commonwealth with Joseph Desha, the member from Mason, afterwards governor of the state, in the chair, when John Breckinridge offered for adoption a preamble and resolution which he had drawn as a rejoiner to the answers of the different states. On the 14th of November, 1799, this preamble and resolution was unanimously adopted by the house precisely as they had been drawn and offered by Mr. Breckinridge, and after they had been concurred in by the senate and approved by the governor, went forth as the Kentucky Resolutions of 1799. Eight hundred copies were printed for distribution with the answers of the different states to the resolutions of 1798, and the following is a copy of these originals now in the possession of Col. R. T. Durrett of Louisville, to whom the author acknowledges his indebtedness therefor, as well as for the original resolutions of 1798 prepared by Mr. Jefferson and Mr. Breckinridge.

"KENTUCKY LEGISLATURE

"In the House of Representatives,

"November 14, 1799.

"The House according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Desha in the chair, and after some time spent therein, the speaker resumed the chair and Mr. Desha reported that the committee had taken under consideration sundry resolutions passed by several state legislatures on the subject of the Alien and Sedition laws and had come to a resolution thereon which he delivered at the clerk's desk where it was read and unanimously agreed to by the house as follows:

"The Representatives of the good people of this Commonwealth in General Assembly Convened, having maturely considered the answers of several States in the Union to their resolutions passed at the last session, respecting certain unconstitutional laws of Congress, commonly called the Alien and Sedition laws, would be faithless indeed to themselves and to those they represent, were they silently to acquiesce in the principles and doctrines attempted to be maintained in all those answers, that of Virginia alone excepted. To again enter the field of argument and attempt more fully or forcibly to expose the unconstitutionality of these obnoxious laws would, it is apprehended, be as unnecessary as unavailing. We cannot, however, but lament that in the discussion of those interesting subjects, by sundry of the Legislatures of our sister States, unfounded suggestions

and uncandid insinuations, derogatory of the true character and principles of the good people of this Commonwealth, have been substituted in place of fair reasoning and sound argument. Our opinions on those alarming measures of the General Government, together with our reasons for those opinions, were detailed with decency and with good temper, and submitted to the judgment and discussion of our fellow citizens throughout the Union. Whether the like decency and temper have been observed in the answers of most of those States who have denied or attempted to obviate the great truths contained in these resolutions we have now only to submit to a candid world. Faithful to the true principles of the Federal Union, unconscious of any designs to disturb the harmony of that Union and anxious only to escape the fangs of despotism, the good people of this Commonwealth are regardless of censure or calumniation. Lest, however, the silence of this Commonwealth should be construed into an acquiescence in the doctrines and principles advanced and attempted to be maintained by the said answers, or lest those of our fellow citizens throughout the Union who so widely differ from us on these important subjects, should be deluded by the expectation that we shall be deterred from what we conceive our duty, or shrink from the principles contained in these Resolutions, therefore:

"Resolved, That this Commonwealth considers the Federal Union upon the terms and for the purposes specified in the late compact, as conducive to the liberty and happiness of the several States: That it does now unequivocably declare its attachment to the Union and to that compact agreeable to its obvious and real intention and will be the last to seek its dissolution: That if those who administer the General Government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, an annihilation of the State Governments and the erection upon their ruins of a general consolidated government will be the inevitable consequence.

"That the principle and construction contended for by several of the State Legislatures that the General Government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism since the discretion of those who administer the Government and not the Constitution, would be the measure of their powers: That the several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction, and that a nullification by these sovereignties of all unauthorized acts done under color of that instrument is the rightful remedy: That this Commonwealth does, upon the most deliberate reconsideration, declare that the said Alien and Sedition laws, are, in their opinion, palpable violations of the said Constitution, and however cheerfully it may be disposed to surrender its opinion to a majority of its sister States in matters of ordinary or doubtful policy, yet in momentous regulations like the present, which so vitally wound the best rights of the citizen, it would consider a silent acquiescence as highly criminal: That although this Commonwealth, as a party to the Federal compact, will bow to the laws of the Union, yet it does, at the same time, declare that it will not now, nor ever hereafter, cease to oppose in a constitutional manner, every attempt, from what quarter soever offered, to violate that compact, and finally, in order that no pretexts or arguments may be drawn from a supposed acquiescence in the part of this Commonwealth in the constitutionality of those laws, and be thereby used as precedents for similar future violations of the Federal Compact, this Commonwealth does now enter against them its solemn protest."

These resolutions, while firmly reasserting those of 1798, contain the following nullification words not to be found in those of 1798: "That the several states who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction and that a nullification by those sovereignties of all unauthorized acts done under color of that instrument, is the rightful remedy."

This, however, is quite a different nullification from that of Mr. Jefferson, whose resolutions assert the right of a single state to nullify an act of congress, while those of Mr. Breckinridge lodge this power in all the states, subject to the constitution. The difference is broad; it is the difference between one and all; the difference between one and many. In the debate upon the resolutions of 1798, Mr. Breckinridge took the ground that a majority of the states might rightfully nullify an unauthorized act of congress. The nearest that he approached to the doctrine of nullification as asserted by Mr. Jefferson, was that

a majority of the states, acting in their sovereign capacity and exercising original powers not delegated to congress, might declare null and void an act of congress plainly unauthorized by the constitution and protect their citizens from its operation within their respective domains. And this seems to have been the Kentucky understanding of these resolutions, for it appeared from the answers that came from the different states, that nearly a majority had declared against the resolutions of 1798 instead of in favor of them, and that Virginia alone was in full sympathy with Kentucky. The resolutions of 1799 ended with a solemn protest against the unconstitutional acts instead of providing for ordinances to nullify them and protect citizens from their operation.

Ours is a constitutional government designed to be ordered at all times in accordance with an instrument made more than a century ago modified from time to time in solemn manner; treated as a sacred thing born of deliberation hardly less inspired by infallible wisdom than were the writers of Holy Writ. We maintain a ponderously learned body of men whose most sacred duty it is to keep us in the way of obedience to the constitution. It is seemingly assumed that to vary from the constitution is to commit the unpardonable sin. Our land has been wet with the precious blood of our own people because of this constitution. Sacred though it be, yet the people are strongly at variance in the construction of that instrument. Though the greatest civil war of all history has solved certain of its problems, there remain yet others to vex and disturb the commonwealth. Chief Justice Marshall, the greatest exponent of that instrument, is said by some learned in the law to have given vital form to the meaning of the Great Charter of our government. Others, great in their legal knowledge, have disagreed, they disagree today with the chief justice of the highest court in Christendom. The very authors of that great instrument fell out among themselves, as to the meaning of their act. The differences of their day are the differences of today; will be the differences until time has passed away and the heavens are rolled together like a scroll. It became the bond of union of the colonies with, in certain instances, a half-hearted acceptance by those who sacrificed their individual and separate political and national entity for the beautiful promises of federation.

To some thoughtful ones our representative government has over it the shadow of failure, in that the people's representatives do not represent the people's good. The representative should be not merely the mouthpiece of those by whom he is elected; he should be their leader, their wise counsellor, their best friend, expert in public things, clean in his great office. Too often, he is not all this, but because he is not, none should despair of constitutional government. The system of our government is a true one, our constitution in the momentous contest of the War Between the States stood the test of the greatest conflict known to modern ages and if, unhappily, it must meet yet other great tests, the hope and patriotic strength of the people will be about it as a buckler and a shield and it will emerge purified, it may be, by the fires of contest, but yet stronger and more beautiful for the perils through which it has passed.

CHAPTER XXXI.

KENTUCKY'S FIRST CONSTITUTION—NEW CONSTITUTIONAL CONVENTION—A SHORT CONVENTION, AND A LONG—FRANCE REJECTS AMERICAN MINISTERS—OUTRAGES ON AMERICAN SHIPPING—KENTUCKY DIVIDED IN SENTIMENT—WASHINGTON AGAIN COMMANDER-IN-CHIEF—AMERICAN NAVAL VICTORIES—PEACE WITH NAPOLEON'S COMING.

The people of Kentucky, many of them at least, were not satisfied with the provisions of their first constitution, as many of those of today are dissatisfied with the latest production of a constitutional convention which supplied the organic system under which the state today endeavors to advance in material interests, yet finds its steps clogged by the unwise provisions of a crudely conceived and unwisely constructed instrument. It is no answer to this indictment to state that the people of the state at the polls approved of the new constitution by a majority of more than 130,000. The wonder is that the majority was not greater. The people of Kentucky were inclined to accept any constitution offered them, rather than have that convention go back to Frankfort and again endeavor to evolve an organic law. They voted for our latest constitution in fear and trembling, hoping thus to escape a possibly worse fate. Those who think these words too strong are requested to study the provisions of the present constitution of Kentucky on the subject of taxation.

But to return to the first constitution is a pleasing relaxation after considering the latest production the state has endured in that line. Under the provisions of an act of the legislature, the people in 1797 voted upon the question of calling a convention for the enactment of a new constitution. There were then twenty-one counties organized in the state. The vote in favor of a new constitution was 9,814, for, and 440 against it; but as five counties made no returns, the requisite constitutional majority was not apparent and the proposition therefore failed.

At the succeeding session of the legislature a bill providing for a second vote passed the house but was defeated in the senate. The people resented this action and demanded that at the next election they be given the right to express their views as to the calling of a convention. There was much discussion in the press and on the hustings. Kentuckians have long been noted for the tendency to have their opinions known of men; they have never been proven guilty of the charge of reticence, but, to the contrary, have always, without fear or favor, informed the world of their opinions. So, in this matter of a second call for a convention there was much eloquence on the hustings and an enlarged discussion in the then meager press of the state.

Under the first constitution, a body of electors, not the voters at large, chose the governor and also the members of the senate. The people, very naturally did not like these conditions. They had fought King George in the Revolution for the right to be represented by men of their own choice; they had fought the Indian for the right to live in Kentucky, and they did not propose to have a small and

select body of men say who should be their governor, or who should sit as their grave and reverend senators.

Notwithstanding this sentiment, the vote in favor of a new constitution again failed to receive the necessary majority, through ten counties failing to report the vote cast therein. The sentiment in favor of a convention, however, was so strong that when the general assembly met, the necessary two-thirds majority was received and authority was given for the assembling of a constitutional convention which assembled July 22, 1799, with Alexander C. Bullitt, of Jefferson, as president and Thomas Todd as secretary. The new organic law provided that the governor should be chosen for a term of four years by a majority of the electorate at the polls, instead of by a small body of electors who also chose the senate. This latter body, it was provided, should be chosen by the people in twenty-four senatorial districts, an additional senator to be chosen for the three representatives who should be chosen above fifty-eight. After the first three years, the senators held their offices for four years as now. The governor's disapproval of an enactment of the general assembly, instead of being absolute, as under the first constitution, could be overruled by a majority of each house, as is provided today. These changes were the most important made in the first instrument and after being in session but twenty-seven days, the Convention adjourned, declaring that the former Constitution should remain in full force and effect until June 1, 1800, on which date the second instrument was to become effective.

A constitution written and adopted in twenty-seven days! Evidently the absence of stenographers and a printing-press at immediate command, tends to shorten the work of statesmen who build organic structures. Kentucky has been known to suffer the infliction of a constitutional convention which assembled on September 8, 1890, and adjourned September 28, 1891, and which, during its sessions, filled four large volumes, the whole containing 6,480 pages, with what that body was pleased to term "discussion." And there have been criticisms of the work they turned out, notwithstanding the extended sessions and the continuous discussion on points both large and small. The day is perhaps not far distant when Kentucky will have a constitution in keeping with the spirit of the age and which will attract, rather than repel, the attention of those whose presence and capital would add to the dignity and importance of the State.

Reference has been made in preceding pages to the sympathy of the people with the French and to the formation in certain towns of what were called Democratic clubs. This sympathy was a natural one. La Fayette, a boy soldier of nineteen years, had left the sunny fields of France and the ease of an aristocratic circle, to suffer amid the privations of the Continental soldiers struggling for freedom; Rochambeau, with a French fleet of war vessels, had sailed up the James River and lent powerful physical and moral support to General Washington when his ragged troops invested Yorktown and forced Cornwallis to surrender. That the people should be kindly disposed to France was not only natural, but greatly to their credit. Then too, they did not look with approval on the treaty with England for which country they had not yet cultivated feelings of affection, remembering, as they did, the recent war and more than all else the atrocities of the Indian tribes incited thereto by the English commanders on the border. The bitter sentiment against England was as natural as was that of affectionate regard for France. Yet France was not behaving very nicely towards the United States. Incensed at the treaty with England, when Charles Pinckney succeeded James Monroe as Minister to that country, the

French government haughtily refused to receive him. An extra session of congress was called which assembled June 15, 1797. The president in his message referring to the speech of the president of the French directory on the departure of Mr. Monroe, said: "Sentiments are disclosed more alarming than the refusal of a minister, because more dangerous to our independence and union, and, at the same time studiously marked with indignities towards the government of the United States."

President Adams knew the meaning of war. Though not serving actively in the field during the Revolution, he had rendered service in the Continental congress which was of great value to the struggling soldiery following Washington through the sternest privations and sufferings ever known to an army of that day, and only equalled afterwards by those which were so cheerfully endured by the ragged soldiers who starved and fought in the armies of the Confederacy. The president, earnestly desirous of peace with France, as with all the world, sent a commission composed of Messrs. Pinckney, Marshall and Gerry to France, with instructions to use all proper efforts towards peace. The French cabinet was yet in an inflamed state and refused to receive them. War seemed to be imminent. Only the greatest forbearance could prevent it. The country was in no condition for war, neither was it then, nor will it ever be, in a condition to avoid a war when insult and injury are heaped upon it.

The French were committing depredations upon American shipping; decrees from the French directory, subjected to seizure all American vessels carrying British goods or sailing from British ports. This decree was tantamount to a declaration of war by France. Congress passed an act suspending all commercial intercourse between the United States and France and the latter's possessions; merchant vessels were ordered to be armed; the president was authorized to increase the army and navy, placing each on a war footing.

Kentucky was divided upon this vital question. The Republicans, or Democrats as they were now coming to be called, sympathized with the French and opposed the administration of President Adams to whose election they had never become reconciled. The Federalists, of course, supported Mr. Adams, who was of their number.

The following resolutions were adopted at a meeting held at Lexington:

"Resolved, That the present war with France is impolitic, unnecessary and unjust, inasmuch as the means of reconciliation have not been unremittingly and sincerely pursued, hostilities having been unauthorized against France by law, while a negotiation was pending.

"Resolved, That a war with France will only be necessary and proper when engaged in for the defense of our territory, and to take any part in the present political commotions in Europe will endanger our liberty and independence. Any intimate connection with the corrupt and sinking monarchy of England ought to be abhorred and avoided."

The people of Mason county in a far different vein, presented an address to the president which brought grateful recognition. From that address these words are quoted: "We have seen with the anxiety inseparable from the love of our country, the situation of the United States under the aggressions of the French nation on our commerce, our rights and our sovereignty. As freemen, we do not hesitate; we will rally around the standard of our country and support the constituted authorities. An insidious enemy shall in vain attempt to divide us from the Government of the United States, to the support of which against any foreign enemy we pledge our lives, our fortunes and our sacred honor." Many other addresses of like character accompanied that above quoted. However bitter might be political prejudice, one cannot conceive of a public meeting in the Lexington of today, failing to resent in the most forcible

manner, an insult to our accredited minister or the unwarranted search of our merchant vessels by any foreign government under the sun.

In this gloomy hour when war with a people who had sympathized with and aided us, appeared no longer to be avoided, the eyes of the country turned with one accord to the shades of Mount Vernon, and the sturdy old soldier, under whose leadership the people had won their freedom, was forced from the ease and retirement his years of service had justified him in claiming. His country called him and George Washington answering the call which from his earliest years he had had never failed to hear, rode once more at the head of an American army as its commander-in-chief. France was expected to attempt an invasion of our country. True there had been no formal declaration of war upon the part of either government.

While what might be termed the polite preliminaries to action had been omitted, the stern actualities had not been. February 19, 1799, the United States frigate "Constitution" of thirty-eight guns, met and engaged the French frigate, "La Insurgent," of forty guns, capturing her after a spirited engagement in one hour. February 1. 1800, the "Constitution" met the French ship, "La Vengeance," of fifty-four guns, and after an action of five hours, the latter hastily withdrew having lost 160 of her men killed and wounded. Three hundred American merchant vessels were afloat and all were armed. The French had done much damage to our shipping, the war having been confined to the sea.

Napoleon's star now appeared. Becoming first consul, it was intimated to the United States that commissioners would now be received. Accordingly, Messrs. Murray, Ellsworth and Davis were appointed, proceeding in November, 1799, to France, but it was not until near the close of 1800 that a treaty between the two countries was ratified and hostilities ceased.

CHAPTER XXXII.

Cause of the Civil War—Slavery in Kentucky—Negroes as Freemen—Cruel Masters the Exception—Kentucky's Anti-Slavery Sentiment—Baptists Oppose Slavery—Freed Slaves Sent to Liberia—Further Action by Churches—Birney and His Mission—Punishment of Slave Kidnappers—"The Old Lion of Whitehall"—Fortunate in Sex—"Kentucky in Liberia"—For and Against Slavery—Cassius M. Clay Again—Rev. Robert J. Breckinridge—New Constitution on "Free Negroes"—Emancipation of the South—Berea College—Anti-Slavery Men Banished—Union Men Expel Abolitionists—Last Slave Sale in Kentucky—Irritating "Underground Railway"—Marriage of Slaves—The Dreaded "Patter Rollers"—Negro System of Communication—Selling Value of Slaves—Not Fighting for Slavery.

A history of Kentucky must needs be also a history, in part, of African slavery, the greatest curse that a free people ever imposed upon themselves. It is too late now to inveigh against the people of New England who first introduced human slavery into the colonies and later embroiled the sections in a tremendous struggle for its abolishment. Say what statesmen may as to the causes for the war between the states, every one must, in the final analysis, admit that, had there been no slaves there would have been no war. The right of the states to regulate their own internal affairs without the interference of the Federal government, was, of course, involved, but the discussion of that right grew out of slavery and but for slavery would never have been. Other questions were involved, but the great central question, about which discussion revolved, was that of slavery disguise the facts as we may. The southern states withdrew from the Union and fought gallantly for the right to regulate their own affairs; a right which they believed then and now believe, was guaranteed them by the constitution.

A gentleman from Kentucky crossing the Atlantic to England was approached by an English gentleman who asked: "Why were the north and the south fighting each other in your great war?" "The answer is easy," replied the Kentuckian. "The New England states sent their slave vessels to Africa where they captured many unsuspecting natives, bringing them to America and enslaving them. The inhospitable climate of the eastern states was fatal to these people from the African shores, and many of them died from its sinister influences. The thrifty New Englanders, observing this, made haste to sell their slaves to the people of the warmer southern states, and later came down and made war upon those same people for buying them." The English gentleman appeared to be satisfied with the explanation offered and there are not lacking those today who accept it as correct.

It is useful to remember that not until the eastern states had relieved themselves of an undesirable holding and filled the pockets of their people with southern gold in return for their slaves, did it appear to them that slavery

was an unmixed evil, to be stamped out at any cost of blood and treasure. It is not intended here to make a plea for the enslavement of human beings, for the writer of these words never saw the day when he was an advocate of that "peculiar institution." He is a mere chronicler of facts as he sees them, setting them down as he believes correctly. In later pages, reference may be again made to this subject matter.

For the present it is desired to refer more particularly to slavery as it existed in Kentucky in the early as well as the later periods, anterior to the war. This chapter and others which may follow, is largely made up as to statistics from a careful study of an article entitled "Slavery in Kentucky," published in the *Lexington* (Ky.) *Herald* and written by an accomplished journalist, Mr. Anderson Chenault Quisenberry, now, and for many years, connected with the inspector general's office of the war department at Washington. Mr. Quisenberry, a native of Kentucky, a trained newspaper man, has given much thought to matters connected with the earlier history of the state, and the writer of this history has no hesitancy in accepting and quoting many of his conclusions as his own.

When the first permanent settlement of Kentucky was made at Boonesborough in 1775, slavery existed in every one of the colonies which shortly after combined to form the United States of America. The first settlers at Boonesborough, as at other of the transient settlements, had negroes as slaves. The colonists who founded Boonesborough, while en route thereto, had an encounter with Indians in which William Twetty and his negro slave were killed. Thus slavery began at the very beginning of Kentucky, then a part of Virginia, and continued until the close of the war of 1861-5. Its increase is shown by the census returns for 1860, the last of such returns in which slavery was shown to exist as, when the census of 1870 was taken, there were no longer any negro slaves in the United States, the proclamation of President Lincoln and the results of the war having combined to free the white people of the southern states of the dark incubus which had so long weighed them down and made them, as a matter of fact, the slaves of their own slaves. That this incubus in another form, is still upon them, it is not proposed to touch upon here. The census returns from 1790 to 1860, as above referred to, were as follows:

Year	No. of Slaves	Increase in 10 years	Free Colored	Increase in 10 years
1790	12,430	.....	114	...
1800	40,343	27,913	739	625
1810	80,561	40,218	1,713	974
1820	126,732	46,171	2,759	1,046
1830	165,213	38,481	4,917	2,158
1840	182,258	17,045	7,317	2,400
1850	210,981	28,723	10,011	2,694
1860	225,483	14,502	10,684	673

During the period above noted the white population of Kentucky ranged from 61,193 in 1790 to 919,484 in 1860, and a general average of colored to white population during all this period, was approximately about one to five. In this period of seventy years the slave population had increased eighteen-fold and the free colored population had increased nearly one hundred fold, thus indicating that many people in Kentucky were freeing their slaves. It is an established fact that free negroes had very little natural increase since; having no longer the paternal care of their former masters and mistresses, their children the more readily succumbed to the diseases incident to childhood and found early graves. This being true, it may be assumed that a great majority of the 18,684 free negroes in Kentucky in 1860, have been manumitted by their former owners. Kentucky did not await statehood, but began the freeing of her slaves while still a part of Virginia west of the mountains.

It is probable that the first negro ever

made a free man in Kentucky was Monk Estill, a slave of Col. James Estill of Madison county. In 1782, in the battle known as "Estill's Defeat," which occurred on the ground where Mount Sterling is now situated, Colonel Estill, with twenty-five men, attacked a party of Wyandotte Indians by whom the slave, Monk Estill, was taken prisoner. In the thickest of the fight, Monk called out in a loud voice: "Don't give way, Marse Jim; there's only twenty-five of the Injuns and you can whip them." Colonel Estill was killed and his men retreated. The brave Monk escaped from the Indians, joined his white comrades and, on his stalwart shoulders, carried a wounded man twenty-five miles to Estill station. His young master promptly gave him his freedom and supported him in comfort during the remainder of his life.

It has been well said that in the solitudes of the wilderness and the isolation of the early settlements, the innate longings for the society of human-kind made the companionship of the masters and their households with the colored slaves an essential condition to the contentment and happiness of both. The white and colored elements were thus pleasantly blended in the household unit; and, hence, while the relations were civilly and socially so distinct, they were mutually confiding and affectionate. The pleasant relations thus early established in pioneer days, continued, as a rule, until slavery was happily no more, and to great extent, lingers yet among the descendants of those people—fifty years after slavery has ceased to be.

Of course, there were some in Kentucky who were cruel to their slaves but these were the exception, not the rule. Irresponsible power over others develops whatever meanness there may be in the nature of those who possess that power. In many asylums for the insane; for the orphan; the almshouses, and similar institutions, flourishing in the centers of our civilization today, may be found more cruelty and tyranny than was ever practiced by the most conscienceless master in Kentucky upon his slaves. The cruel and inhuman master was ostracized and taught by the silent contempt of his neighbors a lesson which he seldom failed to heed.

There is not lacking the testimony of former slaves, to the conditions of their servitude in Kentucky. George Brown, a colored man, long a slave, was in the years following the freedom of his people, the senior member of a firm known as "George and Dan," the latter being also a former slave, who conducted a noted restaurant in Louisville frequented by the best people of the city and the state. Some years before his death, Brown published in the *Winchester (Ky.) Democrat* an extended sketch entitled "Recollections of an Ex-Slave." In this sketch, he commented lovingly upon the kindness of his former owner, Mr. Allen, and his family, to their slaves, and adds: "I would not have the reader suppose that this kindness and humanity was peculiar to the Allen family for it was not; for a constant endeavor to make slaves happy and comfortable was a feature common to many slave owners about Winchester." The same may be truthfully said about every town and county in Kentucky.

Custom and usage invariably blunt the senses so that venerable wrongs are not recognized as such. In what one is born to and accustomed to, and has accepted as a matter of course, one cannot, as a rule, see any wrong. So a great majority of Kentuckians in times past, could see no wrong in slavery. But there was always, from the beginning, an element in Kentucky respectable in number and in every way, which recognized the wrong of slavery. Perhaps the most prominent of these was the elder Humphrey Marshall, Henry Clay, his fiery kinsman, Cassius M. Clay, James G. Birney, and Robert J. Breckinridge.

Before Kentucky became a state, a political

club was formed at Danville, then, as now, a cultured community. This club numbered twenty-nine of the most prominent men of that day in the district. The club debated all the important questions then before the country. At a meeting held prior to the adoption by the states of the constitution of the United States, which was then before them for ratification or rejection, the club resolved that the clause of the proposed constitution which provided that congress should pass no act prohibiting the importation of slaves prior to 1808, should be expunged. The club was agreed that congress should deal with the odious business at any time and as soon as it saw fit to do so.

The first constitution of the state distinctly showed a prejudice against the commerce in slaves. It ordained that they should not be brought into the state as merchandise and none were to be brought in that were imported into America subsequent to 1789. It was also recommended that the legislature should enact laws (which it did) permitting the emancipation of slaves under the limitation that they should not become a charge upon the county in which they lived. Thus at the very beginning of the state the difficulties of the slavery problem were already vexing the minds of Kentuckians, busy as they were with their immediate and pressing needs. Rev. Daniel Rice, an eminent Presbyterian minister, was a member of this constitutional convention and advocated a resolution for the gradual extinction of slavery. This resolution was not adopted but it had warm sympathy and support.

In 1798, the general assembly passed an act in which good treatment was enjoined upon the master, and all contracts between master and slave were positively forbidden. The execution of this law was within the jurisdiction of the county courts which were directed to admonish the master for any ill-treatment of his slave. If persisted in, the court had the option and the power to declare free the abused slave. Moderate chastisement, as in the punishment of children, was not considered ill-treatment. Under this same law white men could be sold into temporary slavery for vagrancy, or for being without visible means of support and making no effort to better their condition. The whites thus sold were placed upon the same footing as the colored slave, but the purchase of a white vagrant by a colored person or an Indian was expressly forbidden.

As early as 1799, Henry Clay was an avowed advocate of the emancipation of slaves and the abolishment of the institution of slavery. There were many people then in the state who were averse to slavery from scruples of conscience, and from the conviction that it would prove a great social and political evil to the country.

In 1804, a formidable movement against slavery was begun under the leadership of six prominent Baptist ministers: David Barrow, Carter Tarrent, John Sutton, Donald Holmes, Jacob Gregg and George Smith, together with several other ministers of less importance and a considerable number of Baptist laymen, the Baptist church at that time being the most influential church organization in the state. There was no mistaking the purpose of these men. None of the Abolitionists of later days were more outspoken or stronger of speech. They openly declared for the abolition of slavery, alleging that no church fellowship should be had with slave-holders, as in principle and practice slavery was a sinful and abominable system fraught with peculiar evils and miseries which every good man should condemn. These earnest men are known in the records of that time as "Emancipators" but they called themselves "Friends of Humanity." The Baptist Associations of the state adopted resolutions declaring it improper for ministers, churches or religious associations to meddle with the question of the emancipation of

slaves or with any other political questions. The "Emancipators" thereupon withdrew from the General Baptist Union, and in 1807 formed an association of their own called "The Baptist Licking-Locust Association of the Friends of Humanity" but despite this formidable title and the objects of their association, they accomplished nothing and soon ceased to be heard of. But they had marked the beginning of the outspoken opposition to slavery which had a slow but sure growth in the following years. At this time, slavery had become an interest and a sentiment in Kentucky too deep-rooted and entwined in every branch and fiber of the commonwealth to be dissevered and torn away by any means less than the horrors of the war that was to come to divide and distract Kentucky and send her valiant sons forth to meet each other in deadly strife upon the field of battle.

Agitation of the slavery question was little heard of after the failure of the "Friends of Humanity" to reach any practical results, until 1833, when, on March 23d of that year, the Kentucky Colonization Society sent from Louisville to Liberia, Africa, 102 manumitted slaves from the counties of Logan, Adair, Bourbon, Fayette, and Mercer, paying $2,300 for their passage in the brig "Ajax" from New Orleans. This same year the general assembly prohibited the importation of slaves into the state, except when brought by bona fide emigrants, or where they were inherited by actual residents of the state.

In 1836, Rev. John C. Young, a distinguished Presbyterian minister, in a pamphlet of sixty-four pages, made a strong argument for gradual emancipation. In this year, also, the Kentucky Annual Conference of the Methodist Episcopal church unanimously resolved against any interference with the subject of emancipation but at the same time, commended the rectitude, policy and operations of the American Colonization Society.

July 31, 1837, "the Abolition press" of James G. Birney, was "carefully destroyed" as the chronicles of that period stated, at New Richmond, Ohio, on the north side of the Ohio river be it noted. James G. Birney was a native of Kentucky, who was born at Danville in 1792, and who had the distinction of being the first candidate for the presidency of the United States on an anti-slavery ticket. In 1833, he aided in the formation of the American Colonization Society, of which he was chosen president, he being at the same time a professor in the faculty of Center College at Danville, Ky. Birney's views were at first conservative, then progressive, and rapidly changed to anti-slavery of the most demonstrative kind. In 1834, in a letter addressed to the public, he advocated immediate emancipation, at the same time illustrating his consistency by setting free his own slaves. He then removed to Cincinnati where he established *The Philanthropist,* a paper of a type which prudence prohibited him from publishing in Kentucky. So far in advance of the thought of the day, even in the free state of Ohio, was the *Philanthropist,* that, as has been stated, Birney's press was thrown into the river, but nothing daunted, with the courage of his convictions, he revived the publication of his paper in connection with a Dr. Bailey who shared his views on the slavery question. Birney was first nominated for the presidency in 1840 by the Liberty, or Abolition, party, and a second time in 1844 by the same party. It is claimed by students of political history that at the election he drew from the Whig party enough votes to lose the state of New York to Mr. Clay, thereby causing the election of Mr. Polk to the presidency. Birney was "the voice of one crying in the wilderness," preaching a doctrine destined to lead to a dreadful war and to the signing, years afterwards, by another Kentuckian, of a proclamation of emancipation. Did he dream, as he saw his press and type sink beneath the waves of the Ohio in 1837 and the hopes of Mr. Clay

for the presidency vanish into thin air in 1844, that in a few short years, though he would have passed to his fathers, the aim of his life would have been accomplished and freedom proclaimed for all men? How little men know in the midst of their struggles for a principle, how wide-spread the effect of their efforts may become.

In October, 1839, Rev. John B. Mahan, a citizen of Ohio, was indicted in Mason county, Kentucky, for kidnapping slaves. Governor Vance of Ohio delivered him to the Kentucky authorities, on the requisition of Governor Clark, for trial in this state. At his trial, it was proven that fifteen slaves had passed through his hands, by what was known in those days as the "underground railway," but he was acquitted on the ground that the alleged offense was committed in Ohio, and that the courts of Kentucky had no jurisdiction of offenses committed in other states.

In the same year, the legislature exempted from taxation for public schools the property of free negroes, and adopted resolutions complimentary to the state of Illinois for the adoption by the legislature of that state of resolutions "condemning interference in the domestic institutions of the slave-holding states, either by congress or the state legislatures, as contrary to the compact by which those states became members of the Union, highly reprehensible, unpatriotic and injurious to the peace and stability of the Union." In this same year the Ohio legislature passed an act, by a vote of twenty-three to eleven in the senate and fifty-three to fifteen in the house, providing punishment for the abduction or aiding in the abduction or escape of slaves by a fine not exceeding $500, or imprisonment not exceeding sixty days, the culprit to be also liable to the aggrieved person for all damages, and a court of that state enforced this law in 1839 by convicting and punishing Rev. John B. Mahan, the same man who had escaped conviction in a Kentucky court for a like offense for lack of jurisdiction.

In 1843, Wharton Jones, of Kentucky, obtained a judgement before Judge McLean and a jury in the United States circuit court at Cincinnati, against John Van Zant of Warren county, Ohio, for $1,200 damages for having abducted his slaves. Another and like action, tried a few days later under the same penal statute, resulted in a fine of $500 being assessed against Van Zant who was defended in each of these cases by Salmon P. Chase, then a young lawyer, but who was destined to play a great part in the future history of the country, finally dying as chief justice of the supreme court of the United States with unsatisfied ambition as his heart was set on the presidency as had been that of Clay, Webster, Calhoun, Blaine and other prominent men, who were destined never to reach that exalted position.

One of Kentucky's sons who was to play a leading part in the agitation attendant upon the slavery question was Cassius M. Clay of Bourbon, a distant relative of Henry Clay. He was a fearless man, inperious, determined and able. In after years, he was known as "The Old Lion of Whitehall" the name of his estate. August 1, 1843, while making an abolition speech at Russell's Cave in Fayette county, Mr. Clay was attacked by a man named Samuel M. Brown, who fired a pistol at him, the bullet striking him just beneath the fifth rib, where it was deflected by contact with a bowie-knife worn by the speaker whose life was thus saved. Mr. Clay returned Brown's attack, cutting him severely with his bowie-knife inflicting injuries from which it was thought he would die, but he finally recovered.

June 4, 1845, Cassius M. Clay began at Lexington the publication of the *True American,* a newspaper in which he ably advocated the abolition of slavery. On August 14th of that

year, at a meeting of citizens held at the court house in Lexington, Benjamin W. Dudley, Thomas H. Waters and John W. Hunt, were appointed as a committee "to wait upon Cassius M. Clay, editor of the *True American*, and to request him to discontinue its publication, as its further continuance, in our judgement, is dangerous to the peace of our community and to the safety of our homes and families." The meeting then adjourned to meet again on the following day and receive the report of its committee.

To the committee's note, informing him of the action of the meeting, Mr. Clay, from a bed of sickness of more than a month's standing, wrote a defiant and characteristic reply. No man ever drove Cassius M. Clay to do that which he did not wish to do. At the adjourned meeting this reply was read, whereupon a call was issued "for a general meeting of the people of the city and county to be held on Monday, August 18th, at the court house, to take into consideration the most effectual steps to secure their interests from the efforts of abolition fanatics and incendiaries." At this, which was presided over by Waller M. Bullock, with Benjamin Gratz as secretary, and attended by a large concourse of people from Fayette and the adjoining counties, another communication was received from Mr. Clay and read to those assembled. Thomas F. Marshall, one of Kentucky's great orators, delivered an address setting forth the incendiary character of Mr. Clay's paper, at the conclusion of which he submitted six resolutions which were adopted. It was the sixth of these resolutions which was the important one, since it proposed and produced results. Under its provisions a committee of sixty prominent citizens was appointed and authorized to proceed to the office of the *True American*, take possession of the press and printing material, pack up the same, place it at the railroad office for transportation to Cincinnati and report forthwith to the meeting."

Reaching the door of the office of the offending newspaper, the key to the door was given by the city marshal to the chairman of the citizens' committee. The mayor of the city was also present and gave notice to the members of the committee that they "were acting in opposition to law, but that the city authorities could offer no forcible resistance to them." The names of the committeemen were called and each of them was admitted to the office. "On motion of Major William McKee, it was resolved that the committee held itself responsible for anything which might be lost or destroyed whilst they were performing the duty assigned to them." Printers were appointed to take down the press and put up the type, the secretary making an inventory of the property as it was packed up. The desk containing Mr. Clay's private papers was, by unanimous resolution, sent to his home, and he was notified by letter, that the press, type and other paraphernalia of the *True American* had been carefully put up and shipped by railroad and river steamer to Cincinnati, to the care of Messrs. January & Taylor, and that all charges and expenses had been paid.

It will be observed that Mr. Clay received notice of the departure of his property, "by letter." That was the safest method of conveying information to Mr. Clay when his feelings were ruffled. The committee of sixty was on September 18th following, arraigned before Judge Trotter of the Lexington city court, on a riot charge, the jury promptly returning a verdict of "not guilty."

Among the sixty prominent men serving on this committee was George W. Johnson, of Scott county, who was to become the provisional governor of Kentucky under the Confederate regime, twenty years later, and to fall on Shiloh's desperate field fighting bravely by the side of his Kentucky comrades. James B. Clay was another member of the committee. He was the son of Henry Clay, the real "Great Commoner," and afterwards a Democratic

member of congress from the historic Ashland district. Another was William R. McKee, who, a few years later, was to fall at the head of the regiment of Kentuckians whom he commanded at the battle of Buena Vista, during the War with Mexico.

In 1845, Miss Delia A. Webster of Vermont was arrested and confined in the jail at Lexington charged with abducting slaves and aiding in their escape across the Ohio river. The proof against her was absolute, and her conviction and sentence to the penitentiary for a term of two years followed. But she was a woman and the jury, with characteristic Kentucky recognition of the sex, unanimously signed a petition addressed to Governer Owsley praying that he pardon her. After she had spent a short time in quiet meditation in the prison, a pardon was granted, and Miss Webster returned to her home, doubtless impressed with the danger attendant upon interference with the affairs of other people. Her companion and accomplice, Rev. Calvin Fairbanks, was less fortunate, and received a sentence of fifteen years in the penitentiary. These people were doubtless very honest, good people, who thought they were rendering service to God and humanity. As a matter of fact, they were merely fanatics and were really injuring rather than aiding, the cause in which they had enlisted.

In October, 1845, Rev. Alexander M. Cowan, agent of the Kentucky Colonization Society, collected $5,000 with which to aid in purchasing a district forty miles square in Africa, to be called "Kentucky in Liberia," as a home for colored colonists from Kentucky. The first freed slaves for the proposed colony left Louisville January 7, 1846. This Liberian experiment has not proven a success, nor yet wholly a failure. At a comparatively recent date the government of the United States was listening to appeals for assistance from residents and officials of the Negro Republic. The negro supplies a problem wherever he may be, and the wisest statesmanship has not yet answered the question of what shall be done with him. In the absence of a final solution, the experiment of letting him alone is suggested to the selfish politicians who have exploited him for their own ends.

On the night of August 5, 1848, thirteen slaves escaped in a body from Mason county, crossing the river into Ohio. At about the same time forty-two slaves from Fayette and Bourbon counties attempted to escape. In an effort to capture them, which was made in Bracken county, resistance was shown and one of them shot and dangerously wounded one of the white pursuers named Charles H. Fowler. The negroes scattered, but all were finally captured. It is interesting to note that one of these negroes was the slave of Cassius M. Clay, who failed to practice what he preached in his newspaper. The leader of this party was a white man named Patrick Doyle, who had bargained to take each of them to a place of safety for $10 each. He was arrested, taken to Lexington, tried and sentenced to twenty years imprisonment for enticing away slaves.

On February 3, 1849, the Kentucky house of representatives, by a unanimous vote, adopted a resolution declaring "that we, the representatives of the people of Kentucky, are opposed to the abolition of slavery in any form or shape whatever, except as now provided for in the constitution and laws of the State." This resolution, however, was not adopted by the senate.

On February 12, 1849, an enthusiastic emancipation meeting was held in Maysville and on the following day, a similar meeting was held in Louisville. These meetings were the beginning of an earnest and exciting contest for the election of delegates to a convention to revise the constitution of the state and the gradual emancipation of the slaves formed for months the leading topic of public, private and newspaper discussion. On February 23,

1849, the law of 1833 was amended by the legislature and thereafter the purchase and bringing into the state of slaves purchased elsewhere was no longer prohibited.

In April, 1849, a State Emancipation convention, in session at Frankfort, recommended that the following points be insisted upon in the new constitution, and that candidates favorable to them or similar provisions, be named in each district entitled to elect delegates to the Convention of Revision, viz.: (1) The absolute prohibition of the importation of any more slaves into Kentucky; (2) The complete power to enforce and perfect, whenever the people desire it, a system of gradual and prospective emancipation of the slaves.

On May 11, 1849, Elder Alexander Campbell, of Bethany, Virginia, founder of the Church of the Disciples, in his paper *The Millennial Harbinger,* addressed a tract to the people of Kentucky, favoring emancipation.

July 15, 1849, Cassius M. Clay, who, as has been seen, had not manumitted his own slaves, while making an address in favor of the abolition of slavery at Foxtown, in Madison county, was attacked by Cyrus Turner whom he killed with a bowie-knife, being, himself, dangerously wounded. Mr. Clay, however slow he may have been in putting into effect the doctrines which he preached when they affected his own personality, was a brave man and stood ever ready to defend his theories and his person against all adversaries no matter whence they came. It was an interesting feature of his long and active career as a private citizen; agitator for the abolition of slavery; Major General of Volunteers in the War between the States, and minister to Russia—that in 1880, he actively and eloquently canvassed the state of Kentucky in the interest of the Democratic party and its candidate for the presidency, Gen. W. S. Hancock.

General Clay was a fine old gentleman of the olden school—irascible, pugnacious, and ever ready for a discussion or an encounter, as best suited his adversary. He won fairly the title by which he was best known in the declining years of his life. He was "The Old Lion of Whitehall" in fact as well as name; and there are none to follow after, as the great question which engaged every sentiment of his heart and nerved his mighty arm in conflict, has been settled forever and no longer needs a champion. He was a man. No other epitaph so well suits him.

Rev. Robert J. Breckinridge, a militant Presbyterian minister, able, eloquent and fearless, as a Breckinridge should be, and has always been, was a candidate on the Emancipation ticket in Fayette county for a seat in the constitutional convention. He made an active canvass but failed of election by a few votes. Dr. Breckinridge believed that the highest economy and noblest humanity demanded the emancipation of the slaves; not suddenly and by violence, but gradually and guardedly; with some opportunity for education and business training and husbanding of wages to prepare them for advantageous colonization in the new Republic of Liberia, the home of what it was hoped would be complete freedom for the African. Emancipation candidates were offered in nearly every legislative district of the state, but, though the aggregate vote for them was large, with a single exception, they were all defeated.

Though it has no direct connection with the subject of this chapter, yet it is not out of place, in view of after events, to state here that on January 14, 1850, the general assembly of Kentucky requested the governor to cause a block of Kentucky marble to be placed in the monument to General Washington, at Washington, D. C., with this inscription:

"Under the auspices of Heaven, and the precepts of Washington, Kentucky will be the last to give up the Union."

This block of marble, with the inscription, forms a part of the stately monument to

George Washington which stands upon the banks of the Potomac, as a testimonial of the esteem in which the Father of his Country was held by the people to whom he gave freedom from the tyranny of kings.

The new constitution having become effective without the embodiment of the theories of the Emancipationists, the general assembly on February 21, 1851, declared that "slaves hereafter emancipated must leave the state, and any free negro returning to or coming within the state and remaining over thirty days is to be arrested, charged with a felony and, on conviction, punished by confinement in the penitentiary not longer than one year." This stringent enactment was a logical result of the strenuous agitation in the northern states for the abolition of slavery, and a forerunner of the deadly conflict which ten years later was to find the sections arrayed against each other in a war which attracted the attention of the civilized world and wrote into the history of the United States the bloodiest chapter in the annals of all time.

At the ensuing August election, the first held under the provisions of the new constitution, Cassius M. Clay, the Emancipation candidate for governor, received 3,621 votes, about three per cent of the total vote cast. In the presidential election in the succeeding November, John P. Hale of New Hampshire, the Abolition candidate for president, received 265 votes in the state, the total vote cast being 101,139. It will be observed that the vote for Hale for president was far below that cast for Clay for governor at the preceding August election. There were evidently many Emancipationists who were opposed to the immediate freeing of the slaves, as demanded by the fanatics who did so much towards bringing on the war which speedily followed. While the people of Kentucky, at that time, opposed the agitation of the vital question of slavery, it is gratifying to recognize that there is, in all the state, today, no right-minded person who would have slavery rehabilitated. As is stated elsewhere in this work, it was the master and not the slave, who was really made free by the Emancipation Proclamation. The rehabilitated south, despite the ravages of war and the horrors of Reconstruction, is richer and happier today than ever before in its history, the sons of the men of 1861-5, having as bravely as their forebears, fought an industrial battle against fearful odds and won in every conflict.

Berea College, located in Madison county, was established in 1855, by Rev. John G. Fee, Rev. James S. Davis, John G. Hanson, and others who were instructors in the institution, aided by Cassius M. Clay and others opposed to slavery. This college, founded largely upon contributions made by people in the northern states, though some of the funds were raised in Kentucky, was mainly intended for the education of free negroes of both sexes. It was obnoxious to the people of Kentucky because it also received white students. This admixture of white and colored students was contrary to the opinions of a vast majority of the people, who viewed it as a long step towards a social equality of the races, deprecated in the north quite as much as in the south. Years after the foundation of this college, the general assembly of Kentucky enacted a law prohibiting the coeducation of the two races. The authorities at Berea appealed to the courts, seeking to have the law declared unconstitutional. The cause finally reached the supreme court of the United States for decision and the Kentucky enactment was sustained. The two races are no longer associated; there being separate institutions now for white and colored students, and the unpopularity of the institution is now a thing of the past.

Berea has done a great work for the poor children of the mountains of Kentucky, many of whom have come to it for that scholarly training elsewhere denied them by reason of

their poverty. Now that its only objectionable feature has been eliminated, there seems no reason why it should not advance in its good work of shedding light into the dark places of the mountains where only education is needed to make the sturdy Anglo-Saxons of Kentucky's Highlands, the equals of any people in any land.

On May 8, 1855, fifty-two emancipated slaves from Kentucky sailed from Boston for Liberia.

In the presidential election of 1856, John C. Fremont, Republican candidate for president, received in Kentucky 314 votes out of 133,214 votes cast. What changes time has wrought in the half century since that election.

October, 1859, the Louisville Conference of the Methodist Episcopal church, South, in session at Hopkinsville, after an exciting debate, voted to expunge from the general rules of the church the rule forbidding "the buying and selling of men, women and children with an intention of enslaving them." It was upon the question of slavery that the division of the Methodist church in the United States was brought about, with the resultant northern and southern jurisdictions. At this day, when there is none to raise his voice in favor of human slavery, it is a matter for wonder that this division should continue to exist.

On January 2, 1860, when the dark clouds of impending strife were already in the political skies, a public meeting in Madison county, peremptorily required the Rev. John G. Fee, the Rev. James G. Davis, John G. Hanson and others to leave that county on account of their anti-slavery teachings and principles. It is to be noted that Cassius M. Clay was not ordered to quit Madison county, though he was one of the ablest and most vehement of the opponents of slavery in the state. Had he been so ordered, he would not have gone, and there would have been much work for the undertaker and the coroner had any one attempted to enforce such an order. The action of the Madison county meeting was approved at a similar public meeting held in Mason county on January 21st, when the Rev. James S. Davis was peremptorily admonished to leave Kentucky within seven days. A like meeting held in Bracken county, resolved that the Rev. John G. Fee and John G. Hanson, lately expelled from Madison county and then about to locate in Bracken county, were "enemies to the state and dangerous to the security of our lives and property." These men were solemnly admonished to leave the county and state by the ensuing February 4th, and a committee of fifty prominent citizens was appointed to see that the order was obeyed. About a month later, there was great excitement in Madison county on account of the return to Berea of John G. Hanson. A movement to compel him to leave the state was resisted by his friends and several men were wounded in the affair. A mill belonging to Hanson was destroyed.

It is not a pleasant duty to recall these facts, but they are a part of the distressful history of the state and there seems no good reason why they should be eliminated from these pages. Fanaticism in certain northern states, had become so powerful and threatening that the people of the southern states saw the hideous spectre of servile insurrection threatening the lives of the women and children, and it was the dread of this, rather than the loss of their property rights, that prompted such action as has been herein noted. That such a fate was really impending none will doubt who recall the attempt of John Brown of Kansas, to inaugurate an insurrection at Harper's Ferry, Virginia.

President Lincoln in his inaugural address, March 4, 1861, said "I declare that I have no purpose, directly or indirectly, to interfere with the institution of slavery in the states where it exists. I believe I have no lawful right to do so and I have no inclination to do

so." Little did he know as he spoke those words, of the storm soon to break upon the country and to cause him to reverse his utterance and sign the Emancipation Proclamation which in reality made free the slave-owner along with his slave.

On September 12, 1862, when the war had been in progress for more than a year, Union men in Bracken county, expelled John G. Fee from the state for preaching abolitionism. They ferried him across the Ohio river and threatened to hang him should he return to Kentucky.

While these Union men were following this drastic course, the Confederate forces under General Bragg, with whom they had no sympathy, occupied the greater part of the state, and but a few days after the holding of the meeting, the Home Guards of Bracken county, fought a spirited contest with the Confederate forces under command of Gen. Basil W. Duke at Augusta, in which many were killed and wounded. Among those killed on the Confederate side was Courtland Prentice, the gallant young son of George D. Prentice, editor of the *Louisville Journal,* which paper was a very tower of strength to the cause of the Union in Kentucky. Mr. Prentice had but two sons, and the division of families by the exigencies of war, was illustrated by the service of each of them in the Confederate army, while their honored father fought with ready pen, the battle for the Union.

During 1862 many slaves in Kentucky left their owners and took refuge in the camps of Federal soldiers. On January 1, 1863, President Lincoln issued his proclamation freeing the slaves "in the states now in rebellion." This did not apply to Kentucky which was construed as loyal to the Union, though many thousands of her sons were in the Confederate army, and her senators and representatives sat in the congress of the Confederate states. But the proclamation practically destroyed slavery in Kentucky. On March 2, 1863, the state legislature composed almost entirely of Union men, declared that negroes claiming freedom under the Proclamation must not remain in the state, but the enactment was of little effect. Those who wished to leave did so; those who did not, remained, finding protection in the Federal camps.

On December 30, 1863, the last sale of slaves ever held in Kentucky, occurred in Louisville, when some person or persons, unable or unwilling to read the signs of the times, paid for a man of 28 years, $500; for a boy of 11 years, $350; and for two women of 18 and 19 years, $430 and $380 respectively. Money was plentiful in those days, and there have been fools from the very beginning of civilized man. After this sale there was no longer a thought of another, since any slave desiring his freedom had but to walk away from his home and into a camp of Federal soldiers.

If such an anomaly as mild slavery can exist, it had its home in Kentucky as was illustrated by the fact that many thousands of slaves remained quietly on their master's homes, and went about their daily tasks as though there were no hands beckoning them to freedom—and poverty, and distress. Not until the war had ended, and in many instances not even then, did these faithful servants renounce the allegiance to "old Marster" and "old Miss" to which they were born and to which they had loyally lived. It is a matter of painful regret that the faithful colored servitor of the old days, loyal to himself and to the white family he was proud to serve, is passing rapidly away, and that no successor is found among his race today. The most unbending aristocrat that ever lived in any land was the colored "mammy" of the families of Kentucky who owned broad acres and many slaves. No man was good enough to marry her "young miss" or "honey" as she called her; no young woman whose family owned fewer acres and slaves, was a fit mate

for the boy she had nursed in infancy, spoiled in his later years, and worshipped always. There was something charming and attractive in those old days and those who are old enough to recall that patriarchial era, regret their passing, while, at the same time, giving thanks that human slavery has passed forever from the land.

One of the anomalies of legislation was illustrated by the Kentucky legislature in February, 1864, when that body, unanimously in favor of the Union, re-enacted the law prohibiting the importation of slaves into Kentucky as merchandise. There was no place from which to import them; no one who desired to bring them into the state. The ways of the average legislature are past finding out. This same legislature also protested against the enlistment of Kentucky negroes into the army, and requested the president to remove the camps of negro soldiers from the state. This request was, of course, ignored, and active recruiting of negroes went on. More than 20,000 negro soldiers were recruited in the state and credited—not to Kentucky, but to Rhode Island, Connecticut, Massachusetts and other eastern states.

In the presidential election of 1864, Mr. Lincoln received 27,786 votes out of a total vote of 92,087. There were many persons in Kentucky in those days, who found it conducive to life, liberty and the pursuit of happiness, to remain away from the polls. This accounts for the small total of votes cast.

The foregoing, it is believed, is a fair and correct account of the more important events connected with slavery in Kentucky. Some general remarks upon a subject which entered so largely into the greatest of all civil wars may not be inappropriate.

In the decade from 1840 to 1850, the activity of the Abolition party in the north became very great. All along the Ohio river were stations for rescuing slaves and conveying them to places of safety beyond the border. The number of slaves who escaped in this way was relatively small—perhaps a few hundred each year—but the effect upon the minds of the people were out of proportion to the producing cause. The truth is, as has been stated more than once herein, that the slaves in Kentucky were not generally suffering from any bonds that weighed heavily upon them. There were minor exceptions; a few masters were not kind to their slaves, but these men suffered a social ostracism which tended to reduce their ranks and to a kinder treatment of their dependent servants. Slavery in Kentucky was of the domestic sort; that is, it was to most of the slaves not a grevious burden to bear. This is well shown by the fact that thousands of them quietly remained with their masters in the counties along the Ohio river when, on any night, they might have escaped across the border. Still, the "underground railway" system, as it was called, although it did not lead many slaves to freedom, profoundly irritated the minds, of the owners, and even those who did not own slaves. Accompanied, as was this work of rescuing slaves, by a violent abuse of slaveholding, it destroyed in good part the desire to be rid of the institution which had grown on the soil, and gave place to a natural though unreasonable determination to cling to the system against all outside interference. Towards the end, the laws concerning slavery grew more rigid because of this interference by persons actuated by sentiment in some instances; by ignorance in others.

The rights accorded to the slaves from the initial settlement of Kentucky, if lost to them at a later date, were lost because of the fear of servile insurrection, rapine and murder as a resultant of the agitation kept alive by those who regarded slavery as a crime and any means that might be employed for its destruction, as legitimate. While seeking to destroy slavery, they were really adding to the burden of the slave and inducing in the slaveholding

states the enactment of laws clinching more tightly the bonds borne by the slave. It is fair to assume the honesty of purpose actuating these people, however much their plans and efforts may be decried. The world will never forget that it was New England that introduced slavery into the colonies and kept alive the slave trade until it was found that the bleak climate of the North Atlantic coast was unfitted to people born under the scorching sun of the equator. When this fact was borne in upon them, they ceased to exchange New England rum for African slaves and made haste to dispose of those whom they held to the people of the more genial southern clime. It was not until they had thus shifted the burden of slavery from their own shoulders that they discovered what a crime against nature was slavery. The agitation against what was known as "the peculiar institution" was continued until nothing could withstand it and the direful effects of war alone destroy it.

There was no legal provision for the marriage of slaves. In some instances they were married, without licenses, by preachers of their own race. In other and in most instances, they merely "took up" with each other without the formality of a clerical ceremony. This loosely assumed tie was frequently maintained until the death of one of the parties, a deep-seated affection existing between the persons thus irregularly joined in matrimony. Slaves, in the sight of the law, could own no property, but many of them, by "hiring their time" from their masters, did accumulate small properties in the possession of which they were protected by their owners.

Most of the slaves in Kentucky were, by nature, amiable, affectionate and faithful. There were many instances of their fidelity to their masters and their families, which the history of the world could scarcely equal even between friends and equals, much less between masters and slaves. The slaves of the few "hard masters" would occasionally "run away" but after a few weeks absence would voluntarily return, take their punishment and fall again into the performance of their former tasks.

Generally speaking, slaves were allowed a great deal of liberty. However, when emissaries from the north became unusually active in the state the privileges of the slaves were necessarily abridged and restricted, as it was the current belief that these emissaries were bent upon stirring up strife among the slaves and inciting them to an insurrection in which the chief feature was to be an indiscriminate slaughter of white men, women and children. In those days a system of mounted patrols was instituted. These patrols rode about the country at night, on the highways and byways and through the plantations and woe betide the slave who was caught abroad at night without a written "pass" from his master. The negroes had a deadly fear of these night-riders whom they called "patter-rollers" and about whom they had a song which ran something like this:

"Over the fence and through the paster,
Run nigger, run, oh run a little faster,
Run, nigger run,
The patter-roller ketch you."

Like the savage Indians, the negroes had a marvelous system of inter-communication which no white man has ever fathomed. They got information concerning themselves almost as rapidly as the telephone would furnish it today. Almost every night one could hear a colored man in the woods or along a road, when the patrol was not near, mournfully chanting the "hoola" song, which would be taken up by another perhaps a mile distant and again chanted, while another and another would repeat it in every direction until the night became vocal with the mournful sound of that distressing and monotonous refrain:

"Hoola, hoola, hoo,
Hoola, hoola, hola-hoola hoo."

That was all there was of the strange song, if song it may be called, which was repeated over and over again, indefinitely. It may have been a chant brought from Africa by their ancestors. It was believed by many to be a means of communication between the slaves. Whatever it may have been or meant, it is a fact that no one has heard it chanted since the colored people became free.

The selling values of slaves, though small, comparatively, at the beginning of the state, gradually grew larger until the beginning of the War Between the States and the near prospect of emancipation gradually brought the values down to nothing. In 1785, a slave of Francis Vigo of Louisville, was hanged for stealing and the court fixed his value at $400, which was paid. The common law of England then obtained in the state, under which generous and liberal law a young English girl was hanged for the alleged theft of an article valued at less than six shillings. In Collins' "History of Kentucky," a citation is made of the sale in 1855 of seven negro men at prices ranging from $1,070 to $1,555, the average price being $1,243. The usual price for healthy men, neither too old nor too young, was about $1,000 for a number of years before the war. George Brown, who, for many years, was a noted colored caterer of Louisville after the war, and to whom reference has before been made, and who published his interesting "Reminiscences" of the days of his slavery, states that in 1857 the guardian of his young mistress refused an offer of $2,100 for him, merely because he was not willing to be owned by the man who wanted to buy him. Some years afterwards, when all he had to do to obtain his freedom was to take it, George Brown "bought himself" for $1,000 because he did not think it honorable for him to "swindle his young mistress out of her slave." And he paid her the $1,000, too, from money which he honorably earned. George Brown was "a gentleman in ebony" and consequently an honest man.

It has been a favorite taunt from certain sources that the south went into the war because she did not want to lose her slaves. This is not true of the south as a whole, and it is particularly not true of Kentucky. The Kentuckians who fought in the Confederate army, and there were many thousands of them, had no thought of the perpetuation of slavery; many of them had never owned a slave and had no expectation of ever owning one. Many of them considered slavery morally wrong, among them the writer of these words, and they would have been glad to see it abolished at any time by any proper means. On the other hand, many of the most prominent Union men in the state and all of the prominent men of Kentucky who served in the Union army, were slave-holders. Gen. Cassius M. Clay, the most prominent advocate of the abolition of slavery within the state, was a slaveholder and continued to own slaves until the Emancipation Proclamation and the subsequent amendments to the constitution set them free.

After nearly fifty years without slavery, it is now a surpassing wonder why anyone in Kentucky ever wished to perpetuate the institution; for, aside from the moral and humanitarian side of the question, it was economically considered, wasteful and profitless as a system of labor. Farms which required thirty slaves for their cultivation are now, with the aid of modern invention, cultivated equally well by four or five men. Under the old system, the program was to use negroes to raise corn to feed to hogs to feed to negroes who raised more corn to feed more hogs, and so on; the problem continuing in a circle which it fatigues the mind to contemplate.

Donn Piatt, a genius of Ohio birth, said of President Lincoln: "He well knew that the

north was not fighting to liberate slaves, nor the south to perpetuate slavery." The question at issue in this great struggle was whether ultimate sovereignty rested in the individual states or in the central Union, slavery being the ostensible incident which had brought the issue to the test of war. In the mighty contest which ensued, slavery collapsed as a matter of "military necessity" and disappeared for all time from the face of our fair land.

"Praise God from whom all blessings flow."

CHAPTER XXXIII.

Army Veterans as Office Holders—Presidential Contest of 1800—Election of Jefferson and Burr—Kentucky's Part in the Contest—Repeal of Obnoxious Laws—Pioneer Kentucky Bank—Surplus of Courts—Louisiana Purchase Frees the Mississippi—Republican Becomes Democratic Party—Death of John Breckinridge.

Kentuckians have an inborn propensity for politics and it has been said by envious critics that this propensity extends to a willingness to hold public office when the proceeds thereof are encouraging. At a reunion of Kentucky Confederate soldiers held some years since, the orator of the day, himself a Confederate veteran, congratulated his comrades upon their financial prosperity which they had won through their own efforts since the war had closed. "We draw no pensions," said he; "we need no pensions; we want no pensions," which sentiment was generously applauded. When the orator had concluded, he was warmly congratulated by a friend who had held high rank in the Federal army. "That was a fine speech," said he, "and I enjoyed every word of it, but especially that portion of it where you said that you and your comrades drew no pensions, needed no pensions, wanted no pensions. Of course none of you needs a pension, as the last blamed one of you has held a public office ever since your disabilities were removed." The orator had no response ready, as he was at the time concluding his seventeenth year as an office-holder.

It was true in large part that for many years after the war men who had served in the Confederate army, filled many public positions, but a shrewd old general of that army explained that this was because those who entered the Confederate service from Kentucky were "the rose and expectancy of the fair state" and that had there been no war, they would have grown up and filled all the public offices just the same. It would ill become this writer, who was one of them, to comment upon the General's compliment. This anecdote, trivial enough in itself, is entitled to recognition, since it illustrates truthfully and in a few words a condition which obtained in Kentucky politics for years following the close of the war, but which exists no longer. The veterans of the two armies, enemies once but friends now, are tempted no longer by the flesh pots of Egypt, but, calmly and bravely as they met each other upon the field of strife, they await the inevitable hour, smiling meanwhile, indulgently, upon the youngsters who have taken their places in the political battle line, wishing them a wisdom which they do not possess and which may come, as the years come, to take the place of platitudes and abusive epithets.

The Kentucky boy when arriving at the dignity of long trousers, becomes an embryo politician, particularly if he has the good fortune to be a country boy. The boy whose misfortune it is to be born and reared in the city, takes up cigarettes with his first pair of long trousers and a few years later the boy from the country arrives and pushes him out of his political or business pathway. The moral of this is that a boy had better stain his fingers

hulling walnuts in the country than with a cigarette in the city.

These preliminaries having been settled, the principal characters of the presidential contest of 1800 may be introduced. Party lines were as strictly drawn one hundred and ten years ago as they are today. The senseless habit of imputing all the sins in the calendar to political opponents was as common then as now, and men made fools of themselves about politics precisely as they do today.

There was in 1800 an inflamed public sentiment caused by the Alien and Sedition laws for which the Federalists were responsible. The Kentucky Resolutions of 1798, ringing and manly in tone, had stiffened the courage of the Republican party, and a political battle royal was a certainty. There were no telegraphic dispatches in those days, no daily newspapers, no telephones, no fast mail trains to quickly and widely distribute political information. Men lived narrow lives, by force of circumstances, but they thought broadly. Every man, according to his intellectual light, was a politician, some for love of country and from a sense of duty; some from love of the loaves and fishes and a sense that it was well to make hay while the sun shone brightly.

John Adams led the Federalists, Thomas Jefferson the Republicans. Adams was the cold, calculating product of the New England coast; honest, austere and every inch a patriot; every foot a man. It is too late in the history of the country for the warmer-blooded men of the more generous and genial southern sun to deny to the stern sons of New England the recognition and the honor which is their due. Mistaken they may have been—from a southern point of view they were undoubtedly mistaken—but they were honest from their view-point, and for this they should have credit.

There were no national conventions in the days of 1800. The Federal congressmen following the custom of that day, named for president, John Adams; for vice president, Charles Cotesworth Pinckney. The Republicans named for president, Thomas Jefferson; for vice president, Aaron Burr, the stormy petrel of the political world of his day, who lives in the minds of many today as a traitor to his country; in the minds of others as the greatest political genius of his time. He is, at least, entitled to the statement that he was never convicted of any of the charges brought against him. The worst that can be said of Burr today, from a judicial standpoint, is that he had the benefit of a Scotch verdict—"Not proven."

At that time, presidential electors were chosen by the state legislatures and not by a direct vote of the people as now. The contest was not allowed to lag and the state capitals, instead of the entire Union, became the seats of war; the storm centers wherein surged and seethed the political cauldrons. In May, the state of New York, through its legislature, cast the first votes for Jefferson and Burr, to the surprise of the Federal forces, since it had been expected that the state would cast its vote for Adams as it had done four years before. Adams, chagrined at this unexpected result, dismissed from his cabinet, Mr. Pinckney, secretary of state, and his associate on the presidential ticket, and Mr. McHenry, secretary of war, believing these gentlemen to lack sympathy with the principles of the party which he represented. He had the usual illluck of those politicians who, through lack of judgment, "swap horses while crossing a stream." Alexander Hamilton, the father of the Federalist party and the shrewdest politician the new country had ever known, saw the evil effect of this action of the president, and, in a public letter, censured his public character and conduct. A house divided against itself cannot stand—and from this moment began the downfall of the Federalist party and the ascendancy of the Republican party, which was later to become known as the Democratic

party and which, through various vicissitudes of good and ill-fortune, has existed to this day.

Hamilton, it has been charged, wrote this letter with a view to defeat both Adams and Jefferson and elect Pinckney, which was then possible under the constitution as originally adopted. The center of his alleged plans was the state of South Carolina, which was expected to support Jefferson for president and its own son, Pinckney, for vice president. This expectation was not realized, as South Carolina cast its electoral vote for the Republican ticket, Jefferson and Burr. This was the straw which broke the Federal camel's back and ended all hopes of the success of Hamilton's schemes, with the electorate. Jefferson had received a plurality of seventy-three votes; Burr, an equal number. Under the cumbrous provision of the constitution as it then existed, there was no election and the contest came before the national house for final decision. Hamilton, with Machiavelian shrewdness, bitterly opposing the Republican principles of Jefferson, threw his strength to Aaron Burr, endeavoring to have chosen as president the man at whose hand he was later to meet his death in a duel.

In the house eight states cast fifty-one votes for Jefferson; six states cast fifty-three votes for Burr; two states divided. For thirty-five ballots there was no change, but on the thirty-sixth, several members cast blank ballots which was tantamount to voting for Mr. Jefferson. On this ballot ten states voted for Jefferson; four states—Massachusetts, Rhode Island, New Hampshire and Connecticut—for Burr. Mr. Jefferson therefore became president and Mr. Burr vice president. Thus came into the political arena the Democratic party which held power for a number of years—nearly a quarter of a century—when it surrendered it; and since which time it has gone upward and downward upon the political teeter-board, sometimes winning, sometimes losing, but always "picking its flint and coming again," even after its most disastrous defeats. It was a gallant party in its earlier, as in some of its later years, until it fell under the control of opportunists and followed strange gods into devious pathways and met defeat The child is probably yet unborn who will witness its final downfall, but there be many today who mourn for the Democratic party of their fathers.

Kentucky was so intimately a part of the presidential contest, the events of which have just been related, that no excuse is offered for bringing into this history of the state a recountal of national events. The Alien and Sedition Laws, responsibility for which rested upon Mr. Adams and the Federalist party which he represented as the titular head of the party, were especially offensive to the freedom-loving Kentuckians. Under the baleful provision of those laws foreign-born residents of the United States, who had bared their bosoms to the storm of war and shed their blood in the cause of the colonies, could at the mere will of the president of the United States, be banished from our shores and denied the enjoyment of the blessings of free government they had aided the United States to obtain. "Kentuckians are an imperial race," said a just judge once in charging a grand jury. Kentuckians are a just and liberty-loving race, he might well have said, and being so, they sought the first opportunity to express their stern disapproval of laws which worked wrong and injustice upon those who, in the stress of peril, had come to the aid of the struggling colonies and offered their fortunes and their lives upon the altar of liberty, freedom and political equality. Kentucky fought for Jefferson and the Right and nowhere was his election hailed with more unanimous accord than in the new state, Virginia's first-born, and the first star of the west to cast its splendor upon the flag of the Union.

When Jefferson had taken office as presi-

dent, the first of the acts of his administration to affect Kentucky was the repeal of the law creating Federal court systems in the United States, and the law under which internal revenue taxes were collected. Judge McClung, United States judge for the Kentucky district, was legislated out of office by this act, which required a bare majority of the congress for its adoption, whereas a Federal judge could not be dismissed from his office save by a two-thirds majority of the congress. This removal from office was no reflection upon the officials affected; they were the innocent victims of a change in the existing system.

A more popular measure was the repeal of the internal revenue taxation system, which bore hard upon the people of the agricultural sections of the country, who were often placed under great difficulties in the efforts to secure the money necessary to meet the demands of the revenue collectors. A feature of these acts of congress which has always been claimed as a cardinal principle of the Democratic party, was the reduction of office-holders and a corresponding reduction in expenditures. Sometimes this claim has been justified; at other times, it is grievous to relate, it has not been. It is an uncomfortable fact that no political party is ever quite so good as it claims to be.

At this early date in the history of the state there was no bank within its limits, though today no little village with a population of a few hundred, feels that it has its proper place upon the map unless it has a bank, however small may be its capital or the business demands for such an institution. The business of inaugurating banks in small villages, with capital stock in keeping with the size of the village, has grown almost to the dignity of a profession, while several counties in the state have established kindergartens for the education of bankers, and which turn out cashiers "while you wait." It is gratifying to state that some of the young men thus entered into the financial world, have, by merit, won their way and occupy high stations in the banking world of Kentucky. In such a deal of chaff it is not a matter for wonder that a few grains of real wheat should be found.

The first bank of Kentucky was incorporated as an insurance company with "a nigger in the woodpile." The ostensible purpose of the company was to insure produce in transit. A seemingly innocent little clause in the charter of this company giving it authority "to take and give bills, bonds and obligations in the course of their business, and to receive and pass them by assignment; and such of the notes as are payable to bearer shall be negotiable and assignable by delivery." Thus the bills issued by the insurance company made payable to bearer, became the exact equivalent of bank bills and were so collectible under the act of incorporation. The somewhat opprobrious term of corporation lawyer had not been invented in those days, but the gentleman was there under another name and seems to have done his work quite as well as his successor in these days of trusts and kindred combinations. There is nothing new under the sun, is truer than the average person believes. This pseudo insurance company, conceived in fraud and brought forth in iniquity, continued its banking career until 1818, when it fell to pieces of its own weight, its paper descending the financial scale until it was nothing beyond the customary price of waste paper sold by the pound. Thus ended the first effort at the establishment of a bank in Kentucky and it was a deserved ending because founded upon a fraudulent basis.

There was a surplus of courts in the State, a fact which the legislature set about remedying. Too many courts mean not only too much litigation, but too much expense. In these days when lawyers, with an assumed odor of sanctity about them, employ runners and agents to induce the bringing of suits for damages for real or imaginary injuries, one

could wish that the legislature might again reduce the number of our courts and decree infamy, as it should do, to the lawyer who so far forgets his dignity as an officer of the courts as to employ men to induce litigation that his pockets may be stuffed with illegal and illegitimate gains. This evil, patent to everyone who goes about the courts or reads the newspapers, is one deserving the attention of bar associations and of legislatures which would have the bar as pure as the bench as it should be. So long as lawyers guilty of these practices are recognized as equals by their fellow members of the bar, the "ambulance chaser" will continue to exist bringing ill-gotten gains to his own pocket and discredit upon the honorable profession which he disgraces. More than one-half of the litigation in the courts of Louisville consists of suits for damages, many of which would never have been brought but for the pernicious activity of the so-called lawyers who incite their self-sought clients to litigation. No more honorable men live in Kentucky than the members of the bar who devote their attention to legitimate legal practice. No more dishonorable men exist anywhere, than the men who daily stir up strife for their own miserable profit.

Returning to the question of reduction in the number of courts in 1818, it may be stated that the district and general courts were abolished and a system of circuit courts, one for each county, established. This would seem an improvement, as it brought the people nearer to the courts thus giving them a more intimate acquaintance therewith and perhaps a greater respect; as the litigant appearing in the circuit court of his own county, felt that it was, to a certain extent, his own court from which he had the right to expect the fullest justice. But there has been from time immemorial a fly in the ointment. To each of these circuit judges who were required to be learned in the law, there were assigned two assistants, whose chief qualifications, it seems, was that they were not learned in the law or anything else. That this addition to the bench proved a failure need scarcely to be stated. The assistant judges, feeling their importance, instead of advancing justice, as was the right of litigants,



"Court Day" in Glasgow

impeded its progress and became such intolerable nuisances to judges, juries and litigants, that the law was speedily repealed and the complete authority of the court placed where it properly belonged, in the hands of the single judge on the bench.

One should not too strongly criticize the efforts of these pioneer fathers of the state to arrive at a proper medium of justice and of government. Not many years had elapsed since they had emerged from the dominion of a king. The system of the Republic was new to them as it was to the world, and they must, perforce, feel their way. That they sometimes tottered and fell, as does the child in its first efforts to walk, is not surprising. That from those totterings came the almost perfect system of government this country now enjoys is the surprise of the old world, wedded to monarchical systems, and quick to predict the inability of the young Republic to stand alone.

Those who have read the preceding pages will understand the importance to Kentucky of unrestricted navigation of the Mississippi river. They will also appreciate the surprise experienced by the people when, in 1802, on the termination of the terms of the treaty with Spain, it was learned that it would not be renewed and that there was no relief from this unexpected condition. The Spanish intendant, Morales, at New Orleans, issued a proclamation declaring that the privileges heretofore existing would be no longer extended though the stipulations of the former convention promised a continuance. Kentuckians were greatly excited by this information of a situation against which they were powerless. Not only in Kentucky was there a feeling of indignation but throughout the United States the people were aroused at this evidence of bad faith. But time at last makes all things even, and in 1898 Spain paid her indebtedness to the United States when her armed bands quitted forever the islands of Cuba, Porto Rico and the Philippines. The indignation felt at the bad faith of Spain was not diminished when it was learned that she had ceded her Louisiana possessions to France by the secret treaty of Ildefonso in 1800. So intense was the feeling in the United States that at the next meeting of congress the senate endeavored to adopt measures looking to the seizure of New Orleans and the adjacent territory of Louisiana, but this effort fortunately failed, as after events proved. From the bad faith of Spain in the matter of a continuation of the treaty guaranteeing the free navigation of the Mississippi river, and the subsequent secret sale of its Louisiana possessions to France, there finally resulted the acquisition by the United States of the vast territory included in what is known as the Louisiana Purchase. President Jefferson, with that wise foresight which characterized his political action, saw the great opportunities lying before him, and at once took the proper steps to acquire this territory. As Kentucky was more directly interested than any other state, Governor Garrard was kept advised of every move made by the federal government. There was sent to France as minister at this time, James Monroe of Virginia, a wise man of the sterling business qualities which fitted him for the commercial task submitted to him. That he was subsequently to become president of the young Republic had probably never entered his head when he sailed away to France. However that may be, when he reached France he lost no time in bringing to a conclusion the important task submitted to him. Napoleon, beset by foes on every hand, great genius that he was, could not conduct his campaigns with an empty military chest. Money he must have and in his commercial stock there was but little which he could sell. He needed millions and Monroe had millions to offer for Louisiana. April 30, 1803, the negotiations were closed and when Napoleon accepted the sixteen millions paid him for almost an empire, he said: "I renounce the control of this territory with

regret; to attempt to hold it against my enemies would be folly." The territory thus added to the United States amounted to about two million square miles of the richest and most productive acres now within the borders of the Union—Kentucky's blue grass lands alone excepted. General Wilkinson, representing the army, and Governor Claiborne, of Mississippi Territory, took formal possession of the new possessions in the name of the United States on December 20, 1803, and for the first time in the history of Kentucky's enterprising citizens, the Ohio and Mississippi rivers flowed unvexed to the sea.

It may be, as was charged at the time by those who were in opposition to everything, that President Jefferson had no constitutional right to involve the United States in this purchase nor to expend what was then deemed a vast sum in an unwarranted extension of the public territory. These persons may have been right under a strict construction of the Constitution. Upon this question much useless discussion has been had, but it has long since sunk into desuetude, the general public, if not the world at large, having agreed that in this instance, at least, the end justified the means. The man of today who would question the propriety of the purchase of the Louisiana Territory would be considered as fit for admission into an institute for the feeble-minded.

In 1804, Mr. Jefferson was re-elected president, the contest for the position not having been marked by the excitement and bitterness of his initial campaign. The good people of Kentucky and elsewhere in the Union who have no particular fondness for the word Republican when used to designate a political party, will be pleased to know that about this time the party represented by Mr. Jefferson began to be called the Democratic party, instead of the Republican party as it had hitherto been known. Shakespeare says "there's nothing in a name" but there are some people who do not agree with the poet.

In Mr. Jefferson's second cabinet, the Hon. John Breckinridge, author and mover of the celebrated Kentucky Resolutions of 1798, was appointed attorney general of the United States. His untimely death in 1806 robbed Kentucky and the Union of a man whose honesty of purpose and dignity of character, together with an intellect surpassed by none of his contemporaries, would have led to yet greater distinction, and the presidency was none too high a station for him to seek and win with the approval of an admiring and appreciative national constituency. Mr. Breckinridge was a native of Staunton, Virginia, and died at the early age of forty-six years. In his twenty-fifth year he married Miss Mary Hopkins Cabell, of Buckingham county, Virginia, and went to Albemarle county where he practised law for a time, subsequently removing to Kentucky and settling in Lexington, near which city, on his estate of Cabellsdale, he died in 1806. He was a great man with great possibilities; the first of his name in Kentucky to win distinction but by no means the last. It will be long until Kentucky forgets John Breckinridge, the lawyer and statesman; Robert J. Breckinridge, the great theologian; John C. Breckinridge, lawyer, statesman and soldier; Wm. C. P. Breckinridge, lawyer, soldier, statesman, and the most eloquent of Kentuckians, past or present.

CHAPTER XXXIV.

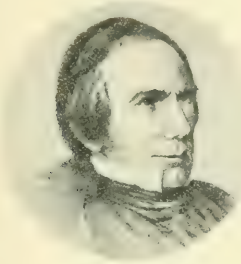
Burr and His Ambitions—Balls to Burr and His Prosecutor—Henry Clay—Commences Political Career—Threatened War With Great Britain— Kentucky Legislation —Seventh State in Population—Harrison at Tippecanoe—Death of Daveiss and Owen.

Reference was made at an earlier period in this work of Aaron Burr, in connection with the "Spanish Conspiracy." During the summer of 1805, Burr appeared in Kentucky, visiting quietly for a time at Frankfort. He had prior to this fought the fatal duel with Hamilton, which, together with attacks upon the administration of Mr. Jefferson, had destroyed his political prospects. His was too active and brilliant a mind to remain quiescent. He must be always employed and must be first in every enterprise. After grasping at the presidency which for a time seemed within his reach, it must have been as gall and wormwood to sink to the second place and, as vice president, preside over the sleepy senate. How his eyes must have turned toward that other man higher up, and how he must have hated him.

Leaving Frankfort Burr leisurely visited the chief points in the then accessible West and finally turning southward from St. Louis, reached New Orleans. In August he was again in Kentucky, stopping for a time in Lexington. In 1806, he was again in the West. It would prove an interesting chapter could one write into history the thoughts, desires, and schemes of that haughty brain in which burned the fires of an insatiable ambition. It has been charged that in his dreams he saw himself an emperor seated upon a splendid throne surrounded by a court, the ruling princess of which should be his beautiful daughter, Theodosia, the only being besides himself whom he ever truly loved. Sorrow's crown of sorrow was his to wear when this idol of his heart lost her life at sea. Whatever his dreams, whatever his ambitions, they came at last to naught and his name was writ in water, so far as success was concerned, and is remembered today, only to be execrated by most of those who choose to think of him at all. He ruined the lovable but gullible Irishman, Herman Blennerhassett, who listened and was lost. He brought suspicion upon General Wilkinson, whom the closest student of the history of that period, must hesitate to declare guiltless of complicity in Burr's schemes of empire; he drove from the bench of Kentucky's highest court Judge Sebastian; he escaped conviction on a charge of treason, and retiring to New York died at an advanced age, a disappointed man whose heart had been eaten by the desire for the highest place among men and burned to cinders by an unholy ambition.

Efforts to secure his indictment by the Federal grand jury at Frankfort proved unsuccessful though the brilliant United States district attorney, Joseph Hamilton Daveiss, represented the government. The magnetism of Burr, his attractiveness to the people of all classes, led to the failure to indict him being received with applause from those in the court room, while subsequently a public ball

was given in his honor. There were not lacking those who honored Daveiss for his brilliant efforts, unsuccessful though they were, and who had not been won by the personal graces of the wily Burr. To the district attorney, therefore, a public ball was also given. A somewhat unusual manner of expressing approval, one would say today, but one hundred years ago there were fewer people in Kentucky than now by very many thousands, fewer means of entertainment, fewer opportunities for the coming together of kindred spirits. No trumpet's clarion call, summoning a baron's retainers to the defense of his castle, met quicker response in the olden days, than did the sound of the violin's strings in those splendid days, one hundred years ago, when young Kentucky's heart beat rapturously and men were measured by their deeds and worth rather than by the miserable dollars they had accumulated.



HENRY CLAY

In 1806, the legislature took up for consideration charges that Judge Sebastian of the court of appeals had, during his continuance in office, been a pensioner of the Spanish government, and appointed a committee of investigation. Judge Sebastian obligingly relieved this committee from the performance of some of its duties by promptly resigning when he learned that its report would be adverse to him and so he passed off the public stage.

And now comes upon the stage one of the master spirits of his time, a man destined to write his name broadly upon the political history of his country and to make Kentucky known wherever greatness and statesmanship are recognized and honored. Henry Clay had come to Kentucky at an early age from Hanover county, Virginia, where he was born April 12, 1777. He was the son of a Baptist minister of some local prominence, who died when his son was but five years old, leaving the future statesman and orator to the loving care of the mother who had a large family to rear and educate. Baptist ministers in those days, as in these, were not given to the accumulation of the world's goods. The mother was poor in all save those high attributes which have given to the world so many illustrious sons, and her family of children in after days, had occasion to recall with filial gratitude the sacrifices she had made in their behalf and the advantages she had given them from her slender store.

Henry Clay—great man that he was—was not greater than the good woman whom he honored himself by worshiping as his mother. He grew to manhood, inured to hardships; labored with his hands to eke out the scanty store at home, studied as opportunity came, laying firmly the foundations on which he afterwards erected the superstructure of his great public career. He was the friend of the people, the rich and the humble, the poor and the oppressed. He was a southerner to the manner born, yet was among the first of the statesmen of the country to advocate emancipation of the slaves, not only because it was right but because, with prophetic vision, he saw in the future the woes to flow from the curse of slavery. How fortunate for the country had his suggestions been adopted; what bloodshed averted; what bitter aftermath of the struggle which came so few years after his death would have been averted. Above all

else, Mr. Clay was a patriot; he gave his great talents for the benefit of the whole people, and was greater than any political party; broader than any political platform. He favored internal improvements because they would favorably affect for good the greatest number compared to the money expended; he was the father of what came to be known as the American System, which is but another name for a tariff upon foreign importations. In the days of Mr. Clay, men who favored the policy of protection were not commonly termed by the opponents of that policy, as "robbers" and "thieves." Perhaps men have grown less courteous as the years have passed.

Mr. Clay's legal education began when he was nineteen years old, when he took up his residence with the attorney general of Virginia, Robert Brooke, with whom he studied so assiduously that at the end of a year's devotion to the principles of the law, he obtained a license to practice law from the court of appeals of his native state. Notwithstanding this short period of time devoted to legal study, Mr. Clay was equal to the demands made upon him when he met in the courts men older in years and in the practice than himself. No man ever met Henry Clay at the bar, on the hustings or on the floor of the senate who did not recognize a foeman worthy of his steel.

When Mr. Clay came to Lexington, he was less than twenty-one years of age. He continued his studies, evidently recognizing that there was yet much for him to learn, but made no effort to engage in the practice of his profession. He was studying not only his books but the people among whom he had cast his lot and one of whom he was henceforth to be, the most distinguished of them all. At last, he went to the bar, with modesty and expecting no great success. The Lexington bar was then, as now, an able one, and the young Virginian, delicate in form and apparently not robust in health, had giants to encounter. He met them fairly and perhaps to his own surprise, successfully. He has said of himself, "that he immediately rushed into a lucrative practice." To follow Mr. Clay in his career is not the purpose of this work. Volume after volume has been written, telling in eloquent terms of the great successes and the great disappointments that came to him. Here only a passing reference can be made. When he came to Kentucky Lexington was a storm center of politics; the bitterness of the contest between the Republicanism of Mr. Jefferson and the Federalism of Hamilton was at its height. There was no such thing as neutrality in politics then. Had there been, it would not have appealed to the positive character of Mr. Clay. He found a place suited to his beliefs in the Republican, or Democratic party of Jefferson, as it had now come to be called. The senseless bitterness of partisan politics is shown in the fact that Mr. Clay's bitterest political enemies in later life, those who most rabidly reviled him, were members of that same Democratic party in which he had spent the earlier days of his young manhood. The sentence against the man who dares to think for himself and to vote as he honestly believes is "anathema maranatha," a sentence usually declared by men who know not a principle of the party to which they belong and who represent only its prejudices.

In 1803 and again in 1806, Mr. Clay represented Fayette county in the state house of representatives, and here began his remarkable political career. In 1806, when but twenty-nine years old, he was elected to serve out the unexpired term of General Adair in the United States senate. This term covered but a single session of the senate. Returning home after the adjournment of congress, he was a third time elected to represent Fayette county in the legislature. The people of Kentucky when next they are called upon to choose men to represent them at Frankfort would do well to consider the wise example set them by Fayette county more than a hundred years ago. They

may not find a Henry Clay to represent them, but the experiences of the near-by past indicate that they will make no mistake by changing the present system under which members of the house are selected and elected. There seems no possible reason to fear that they will go from bad to worse.

During this third term of Mr. Clay in the house he was elected speaker of that body and began the career as a parliamentarian which in later years was to make him so acceptable as the accomplished speaker of the national house of representatives. He continued as a member of the house until 1809, when he resigned and was a second time elected to the United States senate to fill out an unexpired term, Mr. Thruston, a senator from Kentucky, having resigned. This time, his term of service in the senate was for two years. During his term he took part in the discussion of the more important questions before the senate, the most notable of his speeches being that in which he favored giving the preference to home-grown and home-made articles in purchasing supplies for the army and navy. He was but laying the foundation for that American System of which he became the author and which exists in a somewhat enlarged form to the present day. The opposition to the effort of Mr. Clay to encourage domestic manufactures was great but in the end was successful though not immediately so.

During the session of 1811-12 the re-chartering of the United States Bank came before the senate and presented opportunity for the most impassioned and bitter debate, as well as the display of eloquence. Mr. Clay opposed the charter, but subsequently experienced a change of mind and in 1816 he favored the bank and remained afterward one of its ablest advocates. He was man enough to change his views when he found he was in error, and brave enough to defy all the powers arrayed against him, because of that change.



Home of Henry Clay, Near Lexington

James Madison, at the expiration of Mr. Jefferson's term in 1809, succeeded him in the presidency. General Charles Scott was elected governor of Kentucky in 1808; Gabriel Slaughter, lieutenant governor, and Jesse Bledsoe was appointed secretary of state.

The foreign relations of the new republic were far from a satisfactory condition. Great Britain had never seemed to recognize that the United States had gone into business on their own account. The conduct of the former on the high seas had been particularly offensive and war seemed imminent. This was more than ever expected after the attack of the English frigate "Leopard" upon the United States man-of-war "Constitution." The survivors of the Revolution were not yet old men in many instances, while their sons were at that fiery age which makes war welcome. No one doubted that war was to come; with true American spirit, no one doubted what the issue of that war would be. "We have whipped you once and can whip you again" said old and young America in unison, and each was ready to put the issue to the touch. There was little if any question as to what was to happen. The real question was as to when it was to happen.

While awaiting events in the discussion between the United States and Great Britain, the material interests of Kentucky were not permitted to languish.

In 1807, the Bank of Kentucky, with a capital of $1,000,000 was incorporated. In 1808, the limitation in acts of ejectment was reduced from twenty to seven years, where there was an adverse entry and actual residence. This act, as stated by Mr. Smith in his excellent history, was largely instrumental in quieting land litigation upon conflicting claims and had for its author Humphrey Marshall, one of the first historians of Kentucky. It is not improbable that the day may come when the people of the state may recognize the great services rendered them by its historians, who labor alone for the common good with no thought of the adequate financial compensation, which none of them has yet, or will ever receive.

In 1810 the census returns showed Kentucky to be the seventh state in the Union in point of population, the latter numbering 406,511. Of these there were 324,237 whites; 80,567 slaves, and 1,717 free colored people. The general increase in the succeeding ten years had been eighty-four per cent; of slaves something more than ninety-nine per cent. This latter increase showed that the increase in population was largely from Virginia and accounts, in large part, for the affinity between the people of Kentucky and the Old Dominion.

In 1811, the Indians, incited by British officers, renewed activities and outrages upon the whites came to be of frequent occurrence. There was as has been stated, no longer a doubt that there was to be a renewal of hostilities between the people of the United States and Great Britain. The latter government still smarted under its defeat in the War of the Revolution and the loss of the fair colonies populated originally by Englishmen who had breathed the air of freedom in the new world and had learned to successfully defend their homes and families against the trained soldiers of that land which they had once been proud to call their Fatherland. England sought to intimidate the new republic by turning loose upon it the savage hordes as they had brought the Hessians in the Revolution. But as the Hessians were not feared, neither were the Indians. In the early pioneer days, the people had met and conquered the savages and were ready and willing to meet and conquer them again.

They went out to meet the Indians on their own chosen fields and gave them such lessons as were never forgotten. At Tippecanoe, in the then territory of Indiana, the white forces under General William Henry Harrison, one of the greatest of Indian fighters, met the savage forces under Tecumseh and his brother, The Prophet. Tecumseh was a born general, savage though he was. With education, coupled with his natural instincts as a soldier and commander, he would have been well nigh invincible. He knew the value of concen-

tration and its power. To the end that the pioneers might be entirely destroyed or driven from the land which the Indian claimed as his own, and justly so claimed, let it be said, he had endeavored to form a combination of all the Indian tribes, north and south, his ultimate aim being a concentrated attack upon the whites wherever they might be found. He missed the battle at Tippecanoe by reason of his mission to the outlying tribes, but arrived in time to experience the mortification of the defeat which came to his brother The Prophet. General Harrison, shrewd old Indian fighter that he was, had forced the fighting as soon as he came within touch of the Indians and met them at the very doors of their wigwams, scattering them to the four winds and administering the most serious defeat they had ever known. General Harrison's regular troops were reinforced in this campaign and decisive battle by Kentucky volunteers, who, then, as always, did honor to themselves and the state for which they fought.

Among the Kentuckians who died upon this field of honor was Colonel Joseph Hamilton Daveiss and Colonel Abraham Owen, each of whom fell with face to the front. Daveiss had already won civic honors in the attempt to indict Aaron Burr for alleged complicity in the Spanish Conspiracy and Owen was a typical pioneer who had many times met and fought the savage foes who made life a burden to the early settlers of Kentucky. He had been a member of the convention which formed the second constitution of Kentucky, and was a member of the Kentucky senate. He fell at the side of General Harrison, for whom he was an aide-de-camp. To many Kentuckians it will be interesting to know that one of his sons, Colonel Clark Owen, led a Texas regiment on the Confederate side in the War Between the States, and fell at the head of his regiment on the deadly field of Shiloh in 1862.

Colonel Joseph Hamilton Daveiss was one of the first of the great lawyers of Kentucky, a brother-in-law of Chief Justice Marshall of the supreme court of the United States, whose sister he married. He was a great orator and those who had heard him said that he was the most impressive of speakers, nor did they except Henry Clay. He died for his country, a death he would perhaps have chosen above all others, as would any true man who has ever worn the uniform of a soldier.

CHAPTER XXXV.

Earthquake of 1811—Mississippi Turned and Lake Formed—State Aid to Public Works—Act Against Dueling—Public Lotteries Legalized—Shelby Again Governor—Boone's Last Plea.

The closing days of the year 1811 were marked by the most severe seismic disturbance ever known, up to that time, in Kentucky and its neighboring states, Tennessee and Missouri, producing results which have remained to this day.

Early in the morning of December 16, 1811, an earthquake of startling magnitude, awoke the inhabitants of certain portions of the states named, so violent were the movements of the earth and loud the rumbling sounds accompanying those movements. In the excitement incident to these disturbances, these rumbling sounds were compared to those produced by the simultaneous firing of a thousand pieces of artillery, the comparison having been made, it is evident by some one who had never witnessed a battle nor heard the roar of a battery of artillery in action, to say nothing of a thousand pieces of artillery. But it was a momentous earthquake; of that there can be no doubt.

The current of the Mississippi river, by the upheaval of the earth, was for a time turned up stream; a fact of which there is no doubt, as there were many reliable witnesses. The shock continued with more or less violence until December 21st. The strangest result of this seismic upheaval was the formation in West Tennessee, not far from the Kentucky line, of a lake seventy miles long and from three to twenty miles wide, the depth of which varies from shallow water to one hundred feet, a greater depth than the Mississippi river, whence came its waters, is known to show along its entire great length. This lake was christened Reel Foot, by which name it has ever since been known. For many years it has been a favored spot with sportsmen of rod and gun, the great number of fish in its waters being seemingly equalled at certain seasons, by the wild geese and ducks which seek food and rest within and upon its water during their migratory periods. In 1908, Reel Foot Lake was the scene of the cowardly murder of one man, and the attempted murder of another, by men who resented what they claimed was an attempt to infringe upon their alleged vested right to hunt and fish upon the waters of the lake. The state of Tennessee made a vigorous prosecution of the participants in this outrage, and appropriate punishment was meted out to a number of them.

In the legislative session of 1811-12 a grant of land was made in aid of the location and erection of salt works in the counties of Wayne and Pulaski. This was the inception of state aid to public works which led to the granting of future sums to improve the navigation of certain streams within the state—notably the Kentucky, Green, Barren and Cumberland rivers, and the construction of turnpikes in certain counties. Of this latter concession what are known as the Blue Grass counties were the principal beneficiaries, the result being apparent to this day, in a system of roads,

unequalled anywhere else in the United States and only equalled or surpassed by the excellent roadways of England and France, in the former of which countries those unparalleled road builders, the Roman armies of Cæsar, laid the foundations of roads and bridges which exist today in a condition of excellence which would shame the so-called road builders of Kentucky in the counties outside of the Blue Grass section.

At the period of this writing (1911) efforts of the legislature should cease to furnish matter for jests in the columns of newspapers. It is a time for men; men who have done good work at home; men who would do good work for the state; men who have no political axes to grind; men who would recognize the acceptance of a seat in the general assembly as a duty, sacred to themselves, their families, their districts and their state. When the good day comes that such men are chosen—and it will come when the people demand it at the polls—



Oiled Kentucky Turnpike, Showing Stock Paddocks

are being made to perfect a "Good Roads System" in the state, which will result in good only when the people of Kentucky shall have learned to send to the general assembly their best men who have shown their capacity in the management of their personal affairs, and a public spirit that marks them as worthy of recognition by the state and by the people of their respective counties.

In the progress of this work reference has more than once been made to the necessity for the choice of better men as state senators and representatives and even further reference may be made later. It is time that being a member Kentucky will take the place to which it is entitled in the sisterhood of states. Kentucky will then remodel its archaic system of taxation which now repels foreign capital and drives from its borders the investments of its own citizens, and will offer to the citizens of other states as to those of its own, a helping rather than a repellant hand.

At the legislative session above alluded to, Kentucky assented to a proposed amendment to the Federal constitution depriving of citizenship any who accepted a foreign title of nobility or honor, or who accepted presents or office from any foreign government.

The growing sentiment against dueling was illustrated in the passage of an act under the provisions of which all state and judicial officers were required to make oath that they had not engaged in or participated as seconds in a duel or negotiated a challenge therefor. This



Daniel Boone Monument, Cherokee Park, Louisville

sentiment was afterwards emphasized in the constitution of the state, where it yet remains, and embraces all persons who are required by law to make oath before accepting office that they have in no wise participated in a duel with a citizen of the state, in or out of the state, or carried a challenge for such duel. As Kentuckians have been represented to be an office-seeking and office-holding race, it is perhaps, unnecessary to state that dueling long since went out of fashion in this state. It is the usual custom now, to settle on the spot differences which in the earlier days would have resulted in a call upon what was known as "the code of honor."

It is worthy of mention that this same legislature inaugurated or legalized public lotteries. The firse lottery grant was for the improvement of Kentucky river; the second, in aid of repairs on the public road from Maysville to Washington in Mason county; the third and most remarkable being in aid of the erection on the public square at Frankfort of a church building for the free use of the people of all sects or denominations. If such a church resulted from this lottery, history is silent in regard to it, and the probability is that the promoters thereof profited to a larger extent through its management than did "the people of all sects or denominations" for whose ostensible benefit it was originated. This was the origination of a long series of lotteries for the alleged benefit of this or that public institution which obtained in Kentucky for many years, the last of which only discontinued its operations after a long series of judicial contests originating in the state courts, and ending finally, in a decision by the supreme court of the United States, adverse to the lotteries. Since that date, no publicly conducted lotteries have existed in Kentucky though the miserable "policy" lottery devised for the robbery of the poorer and more ignorant classes, still leads in secret, a precarious existence in the larger cities.

Isaac Shelby, a hero of the War of the Revolution and progenitor of a line of excellent men and women of Kentucky, was in August, 1812, for a second time, elected governor of the state. The secretary of state was Martin D. Hardin, the murder of whose father, Colonel John Hardin, by the Indians to whom he

bore a mission of peace, has been elsewhere referred to in this work.

It was during the succeeding session of the legislature that Daniel Boone made his pathetic plea for restitution referred to at an earlier period in this work. Through ignorance of the law and, perhaps through the wrong-doing of others, his imagined title to valuable lands in Kentucky had proven worthless. He had left the land he had aided in wresting from the savage; going first to Virginia and later to Missouri, ill-luck apparently following closely upon his footsteps. He thought himself the legal possessor of ten thousand acres of land in Missouri, but found this belief to be unfounded so far as a legal title was concerned. He came back to Kentucky, and to the legislature made this plaintive plea: "And now, your memorialist is left, at about the age of eighty, to be a wanderer in the world, having no spot he can call his own whereon to lay his bones."

Poor old pioneer! Kentucky owed him much and the poor payment of that debt was supposed to have been made when the state brought home his remains and those of his faithful old wife, and gave them sepulture in the state cemetery at Frankfort under a modest monumental stone which the vandal hands of curiosity seekers desecrated in search of relics until its original design was almost obliterated. It is to the credit of the good women of the Kentucky Historical Society that the monument has been restored to its original condition, so far as is possible, and a barrier of iron placed between it and future vandal hands that would seek to mar its simple and appropriate symmetry.

Boone lost his lands. He has a grave within Kentucky and one of the counties of the state bears his name. And that is all that can be done for his honor and glory now.

CHAPTER XXXVI.

As Between England and France—Patriots in Power—Kentuckians Eager for War—Humiliated at Hull's Surrender—The Fighting Taylor Family—Hull's Disgrace—Defeat Stirs Kentuckians—Under General Harrison—Relief of Fort Wayne—Two Future Presidents—Protecting Army Supplies—Nature Defeats Harrison's Plans—Harrison Conceived Naval Program—American Victory at Frenchtown—American Rout at Raisin River—Kentucky Troops Hold Out—A British Promise—A Devilish Massacre—Army Almost Wiped Out—Scalps Wanted, Not Ransoms—"Humane" Proctor Rewarded.

The memory of the War of the Revolution was yet fresh in the minds of men when clouds arose on the foreign political horizon and the veterans of that war took down their arms, burnishing them anew for use in their own hands or in those of their willing and stalwart sons. England, still smarting under the loss of her richest colonies, had sought by every means within her power to humiliate the young giant beginning to grow to the majesty of full manhood, in the western world. She held firmly to the military posts of the northwest, a constant menace to the peace and happiness of the people of the United States; she instigated atrocities by the savages along the then frontiers of the new land; she stopped American vessels upon the high seas, impressing their sailors upon the specious plea that they were deserters from her own marine, and in countless ways seemed to goad the new government into a collision with her own. And Great Britain did not have long to wait. Though many citizens of the United States opposed a second war with the great power of England, there were not wanting those, and they were in the majority, who felt that insults had been too long submitted to; that our vessels should be free from search upon the seas by any power upon earth, and that the time had come when the world in general, and England in particular, should know that the United States were not only willing but able to maintain their dignity and protect their citizens against the attacks of any foreign power whatever.

England and France were at war and each government had declared a blockade of the ports of the other, a declaration of but little effective force, yet of much annoyance to American shipping. England seized and confiscated perhaps a thousand American vessels and their cargoes for alleged violation of her "orders in council." This could result in nothing less than war, which England seemed fatuously to seek, though having her military hands full at the time with the legions of Napoleon. The latter was scourging Europe at that time in what seemed an effort to bring the world under the domination of France, and France, at that period, was Napoleon alone. However much America might deprecate the excesses of the French Revolution; however she might decry the ruthless ambition of Napoleon, there yet remained the fact that in the stress of our own Revolution, France had come to our aid and that when the army of

Washington encompassed the British army of Cornwallis upon the land side, the friendly fleet of France, under Rochambeau, lay in the James river as Washington's ever-ready support. Ingratitude, that unpardonable sin, has not been a characteristic of the American people. Though the Federalists of New England opposed war upon England because they also opposed aid to France, the great heart of the country, largely without regard to party lines, was in favor of immediate war with England. New England was powerful in numbers and in wealth, but it could not withstand the patriotic demands of the masses. Perhaps then, as later in the war of 1898 with Spain, it heard, in imagination, the roar of hostile guns bombarding its cities, and, its commercial spirit more dominant than its patriotism, dreaded the reprisals that might be made upon its money chests should one of its cities fall into the hands of the enemy. Be that as it may, New England opposed the war and took but a minor part in its conduct once it had been declared. The Federalists opposed; the Democrats favored war immediately; and the Democrats won. They had the habit of winning in those days—but that was a long time ago.

James Madison, a Virginian, was president of the United States at this critical period and James Monroe, another Virginian, destined also to be president, was secretary of state. Of neither of these two patriots could it be said that

"He who dallies is a dastard;
He who doubts is damned."

To use the words of an eloquent Kentuckian spoken many years later in the United States Congress—"While they well knew the horrors of war; its cost; its failures and successes; they faltered not, in the face of duty and the honor of the country."

Kentucky welcomed the war, if so strong a word may be justly used in such connection. Long a sufferer from the incursions of the savages driven to deeds of plunder, rapine and murder by the British officers of the northwest posts, Kentucky was anxious to take up arms against the British and, once for all, fight it out with them. It is a characteristic of the Kentuckian of today. If he has a difference of whatever character, personal, political or financial, he is ready to fight it out according to established forms and, when he has won or lost, to drop the subject and say no more about it. But Kentucky was never to be happy until England was a second time humbled, and her sons enjoyed the opportunity to assist in the performance of that high duty.

The president had authority to call for active service one hundred thousand volunteers, the quota for Kentucky being five thousand, five hundred. In answer to the call, seven thousand Kentuckians gallantly and promptly responded and were enrolled in ten regiments, commanded by veterans who had learned the art of war in the first contest with England or the ruder conflicts with the Indians. Four regiments, under the command of Gen. John Payne, assembled at Georgetown, whence on August 19, 1812, they marched toward Cincinati, enroute to join the forces of General Hull, who had already marched upon Canada from his base at Danville.

These volunteers had but crossed the Ohio river when intelligence was received that General Hull, instead of winning an expected victory, had made a surrender not only of his army, but of the base of supplies at Detroit including all the munitions of war in that section. General Brock, to whom Hull had disgracefully surrendered, had a force of English, Canadians and Indians only about one-half as strong as his own. Several of his principal officers, among them General James Taylor, of Kentucky, were so humiliated by Hull's conduct that they refused to join him in arranging the terms of capitulation.

Gen. James Taylor came of a family of soldiers, natives of Virginia. His father Colonel

James Taylor, was one of eleven brothers, ten of whom served in the war of the Revolution, as officers of the army or the navy, the eleventh brother being alone prevented by his tender years, from also entering the service of his country. Gen. James Taylor visited Kentucky in 1793, settling at Newport, in Campbell county, of which he was the first circuit clerk. He had the native Taylor fondness for a military life and in 1812 was commissioned by General Scott as a brigadier general of the militia. During the war of 1812, he became successively quartermaster general and paymaster general, serving with much distinction throughout the war. General Taylor, who married the widow of Major David Leitch, left four children, one of them the late Col. James Taylor, long the most distinguished citizen of Newport. Gen. Zachary Taylor, the hero of many battles and finally president of the United States, was a first cousin of Gen. James Taylor. There are many descendants of the ten fighting Taylor brothers in Kentucky and it is gratifying to record that they have made as fair records in the peaceful pursuits of life as did their warlike ancestors upon the field of battle.

Recurring to the disastrous results of Hull's campaign, it may be safely stated that it brought consternation not unmixed with anger, to all the people and particularly to Kentucky, as there was now no army intervening between the state and the English with their savage allies, the latter of whom would have been all too willing to be led against the people who were now in possession of their former happy hunting grounds.

General Hull, who was charged with treason and cowardice, demanded and was promptly granted a trial by court martial. The charge of treason was not sustained, but he was found guilty of cowardice and was sentenced to be shot to death, but the court coupled with this capital sentence, a recommendation for mercy, which was accepted by the president and Hull's life was saved, but the general order issued in his case was worse than death to a soldier of true spirit. That order read: "The rolls of the Army are to be no longer disgraced by having upon them the name of General William Hull."

The disastrous defeat and surrender of Hull, served to build anew the fires of patriotism in Kentucky, if such were needed, and volunteers could be had almost without the asking. The state had grown in population and in wealth in the years of peace that had followed the close of the war with England. Young men had listened to the stories told by their elders of "deeds of high emprise" in the first war with England and the countless contests with the Indians, and they accepted with gladness the opportunity now offered them to win military honors and glory for themselves. There was yet cherished a hearty hatred of England, more natural perhaps in Kentucky than elsewhere, for English officers had incited the Indians against its inhabitants and led them in their bloody forays, as this work has more than once stated.

At Louisville, soon after the call for volunteers, two thousand young men reported, anxious for the fray, but these were doomed to temporary disappointment. Poorly equipped and without rations for one-half of their number, they were led by General Hopkins against the Indian towns in northern Illinois. Ill led, ill provisioned, untrained in the life of a soldier, this command accomplished nothing, and returned to Kentucky soon afterwards. But these young volunteers were yet to give a good account of themselves, as Kentucky soldiers have ever done no matter where the field on which they fought.

The Kentuckians who had not accompanied General Hopkins, had a better fortune, since they were placed under the command of General Harrison, a steady and consistent old

fighter, who had already rendered excellent service on many fields and was looking for more opportunities in the same line.

Arriving at Cincinnati in August, General Harrison assumed command of the volunteers from Kentucky, and from all the other states who were operating in Ohio and Indiana. These troops were drilled and taught that important matter, discipline—something to which Kentucky soldiers have never too readily yielded. They are all right and to be depended upon in the matter of fighting, but discipline is irksome to their independent spirits. Gen. Joseph Wheeler, the distinguished Confederate cavalry leader, who had under his command a number of Kentucky regiments, was accustomed to say that "the Kentucky regiments could have fewer men in their columns during a march and more men in a fight than any other regiments in his command."

The first movement of General Harrison against the enemy was to the relief of Fort Wayne, which he had learned was besieged by Indians. An Indian spy in his service went forward, mingled with the Indians surrounding the fort and returning gave General Harrison the information he desired. This Indian, known as Logan, had been captured as a boy by General Logan, who reared him to manhood and gave him his name. When Logan returned to headquarters he stated that the Indian spies who had been observing Harrison's movements, had reported the Kentuckians as coming and as numerous as the trees in the forest. General Harrison pushed forward rapidly, only to find on arriving in front of the beleaguered fort that the Indians had fled after burning a village in the vicinity of the fort and destroying such crops as they might in safety approach.

General Harrison, finding that the news of the approach of Kentuckians "numerous as the trees of the forest" had served him well and dispersed the enemy without a battle, divided his forces, sending a column under General Payne to destroy the Indian towns and crops along the banks of the Wabash and a second force under Colonel Wells to perform like service along the Elkhart river. Payne drove the Miamis without loss and Wells had equal good fortune with the Pottawattomies, the members of each of these tribes flying before the approach of the two forces.

The disposition of the authorities at Washington to assume supreme control of troops in the field and direct their movements was common then as it now is. Of course, every one recognizes that the president is commander-in-chief and may issue such orders as he chooses, but that he, in his office in Washington, shall be better able to direct the movements of an army a thousand miles distant than the officer in command, few who have been soldiers will admit. An instance of the blundering of those in power at Washington was now shown.

General Winchester, an aged man, who had experience in the field during the Revolution, was sent out to supersede General Harrison. Winchester knew the arts, perhaps, of civilized warfare; Harrison knew those of Indian warfare. The troops under the latter's command were attached to him because of this knowledge and of other admirable qualities they knew him to possess. Of General Winchester they knew nothing, and however great may have been his soldierly qualities, they did not trust him as they did General Harrison. The situation being made known at Washington, General Harrison was given supreme command again, with power to act as to him seemed best.

Harrison, as every one knows, so admirably served his country in the field as to deserve and win the affectionate confidence of the people who, in after years, were to elevate him to the presidency of the United States. Among his subordinate officers was young Captain Zachary Taylor, of the regular army, who

commanded a garrison of fifty men at Fort Harrison. To this fort in September, 1812, came a body of Indian men, women and children from the vicinage, asking to be admitted to the fort for a council and to procure food. Captain Taylor with soldierly prudence, gave them food, but denied their plea for admission to the fort. The sequel proved the value of his denial of privilege, for, after lingering in the vicinity of the fort for several days during which they devoured the food so generously supplied them, these Indians set fire to one of the blockhouses at night. In the midst of the excitement caused by the fire a body of warriors, whose presence Captain Taylor had anticipated, fired upon the fort. The garrison made a gallant stand, repulsing the attack but not without serious losses. Captain Taylor ordered one of the cabins within the fort torn down and with the logs thus secured, barricaded the main entrance against any effort the Indians might make to gain admission into the fort. The Indians made a second assault and endeavored to fire the fort, but on each attempt, they were unsuccessful and were finally beaten off with great loss. The gallant young Captain Taylor was officially thanked for his successful defense and in addition, soon afterward received the brevet of major. His fifty men had successfully withstood the attack of several hundred Indians, so excellently was his defense planned and executed. The well-informed reader will readily recognize in this captain and brevet major, the General Zachary Taylor who won honors in Mexico and, like General Harrison, died as president of the United States.

In December, 1812, General Harrison sent a column composed of six hundred dragoons, under Colonel Campbell, against a body of Indians along Lake Michigan, who threatened to destroy the supplies for the forces of General Winchester, who, in command of the left wing of the army, was at Maumee Rapids, This column was attacked at an early hour of the morning at Mississiniway, by a large force of Indians. An engagement lasting for more than an hour followed, which resulted in the defeat and dispersion of the Indians. The losses of Colonel Campbell's command were fifty-six killed and wounded, showing that the Indians had fought bitterly and that the dragoons had responded in kind. Following the events just recited there was, for a time, a period of inactivity.

The conformation of those portions of Indiana and Ohio in which the army was operating was such that the heavy fall rains and the freezing and thrawing of the winter, rendered military operations extremely difficult. General Harrison had new levies of troops from Kentucky, Virginia, Ohio and Pennsylvania amounting to about ten thousand men, only about two-thirds of whom were ready for active service at any time, owing to sickness and the fact that the new troops were not inured to the hardships of a fall and winter campaign, or the inaction of a life in a winter camp. General Winchester commanded some fifteen hundred men at Maumee Rapids; General Harrison had perhaps twenty-five hundred with him at Upper Sandusky, while the remainder of the forces under his command were stationed at such points as seemed to need a defensive force. The inclemency of the weather and the consequent bad condition of the roads, along which transportation was almost impossible, defeated General Harrison's plans for attacking and capturing Malden, the British and Indian base of supplies.

All the world knows of the splendid victory over the British naval forces gained on Lake Erie during this war by a newly-constructed squadron of American vessels under the command of Commodore Oliver Hazard Perry, but it does not know that the idea for the building of these ships for the purpose of driving the British from the lake, was first conceived in the soldierly mind of General Harrison. Doomed by weather conditions to

a period of military inactivity, he wrote a letter to the secretary of the navy, proposing the construction of a fleet to compete with the English for the possession of Lake Erie, and to drive them from its waters, if possible. He argued that this plan was cheaper than land operations and probably the best means of regaining the ground lost by Hull's ill-advised surrender. The secretary of the navy was attracted by the idea, and at once proceeded to put it into execution. The United States, axe and saw in hand, went into the forest with a divine purpose, emerging therefrom with a newly made navy which, under the gallant Perry, boldly attacked and defeated the proud officers of the supposed invincible British navy. Too much honor cannot be paid to the memory of Commodore Perry and his gallant officers and men, but General Harrison's memory should also receive equal honors.

General Winchester in January, 1813, despatched a force of some seven hundred Kentuckians under command of Colonels Lewis and Allen, to meet a threatened attack by the English upon the settlements at Frenchtown and in its vicinity. This force, reaching Frenchtown after forced marches, found that place occupied by the enemy who were concealed in the homes of the residents. An immediate attack was made and the enemy was driven out and retreated for about half a mile. Reforming his broken lines, the English commander made a stand with small arms and a single gun battery. The Kentuckians were divided, a portion of them remaining in front of the enemy while the remainder were sent around the English left, thus causing the latter to retreat for two miles or more, when darkness came on and put an end to the engagement. The losses of the Kentuckians were twelve killed and fifty-five wounded. The English losses were estimated as three times those of the American force.

Frenchtown, where this victory was gained by the American forces, was but eighteen miles from Malden, the headquarters of the English army. When news of the defeat of the latter reached General Winchester, that officer, believing that the commanding officer at Malden would at once send out reinforcements to his beaten forces, led a column of two hundred and fifty men, all that could be spared from the Rapids, to reinforce the victorious Kentucky troops. On joining these, it was determined to at once begin the construction of fortifications. On the next day, the 21st, he received information that a force of three thousand English and Indians were preparing to march upon and attack the American forces on the River Raisin. For some inexplicable reason, no attention was paid to this information by General Winchester. Colonel Lewis and Major Madison, of the Kentucky forces, were more alert and cautioned their men to remain under cover of the houses and other protection at Frenchtown. Men who have had experience as soldiers will be surprised that a camp, in the presence of the enemy, who threatened to immediately attack, was unprotected by pickets, the excuse for this negligence being the extreme cold of the night. Even the road by which the enemy was expected to approach, it is stated by the historians of that period, was unprotected by a picket. It is difficult to believe that a man who had experience in the Revolution, as had General Winchester, could be so remiss in duty. Better a thousand pickets suffering in the cold than an army surprised.

It appears that some one kept awake in the American camp, for at daybreak reveille was sounded. In a few moments a yet sterner call to duty was heard. Three guns, sounded in quick succession, told of the near approach of the enemy. The Americans had scarcely formed until the enemy's artillery opened on them from a point only three hundred yards away. The English troops charged the front of the American lines, while the Indians attacked on both right and left flanks. No more

complete a surprise could have occurred. Half a score of pickets on duty under competent officers, could have averted the disaster. Colonel Lewis' men poured a deadly fire into the enemy repulsing him on the left and center, but on the right the reinforcements that had accompanied General Wnichester, being unprotected, as were those of Colonel Lewis, were driven back and Winchester's most strenuous efforts could not rally them. The British troops poured a hot fire into them in front; the Indians flanked them on the right and the disaster was complete, a retreat on the order of every man for himself resulting. Colonels Lewis and Allen made gallant but ineffectual efforts to rally the men on the south side of the river, but the Indians had gained their flank and rear; human nature has its limitations, and they too joined in the disastrous retreat. The Indians, finding the Americans at their mercy, shot, tomahawked and scalped them at will, regardless of efforts to surrender. It is stated that one hundred men were thus maltreated in a space one hundred yards square. Colonel Allen and Captain Simpson of the Kentucky volunteers were among those who were killed, as was Captain Meade of the regular forces. Hundreds were overtaken in the deep snow, which retarded their retreat, and were ruthlessly tomahawked and scalped.

General Winchester, Colonel Lewis and other officers and men, being captured by the English troops, escaped murder after capture. Majors Graves and Madison, two brave Kentucky officers commanding Kentuckians of equal bravery, held their positions and refused to surrender. Proctor, the English commander, with much discretion, after withstanding their deadly fire until ten o'clock, withdrew his white forces, intending to renew the attack on the return of his brutal savage allies from their saturnalia of murder in the ranks of the fleeing soldiers.

Proctor advised his prisoner, Winchester, to surrender his entire force as in no other manner could their slaughter by the savages be prevented. The English commander had willingly engaged the services of the devil, and now confessed his inability to control the myrmidons of His Satanic Majesty. Our cousins across the seas seem to have had some original ideas as to how best to conduct their military operations. In the Revolution they confronted the Continental forces with hired Hessians; in 1812-15 they found their allies among the cruelest of savages whom they ruthlessly set upon the men, women and children of their own kith and kin, "bone of their bone; flesh of their flesh."

Winchester, in the hands of the enemy, was unaware that two Kentucky officers and their gallant followers were still holding out against the enemy's attacks. Graves and Madison, still fighting and ready to fight on, were surprised when one of their comrades, Major Overton, accompanied by Proctor, approached with a flag of truce. Then only did they learn that General Winchester was a prisoner and that he had sent them an order to surrender. It is not often that the annals of warfare record instances where the commander of an army, a prisoner in the hands of the enemy, issues an order to those of his subordinates who are still free and still fighting, to surrender to an enemy who has been unable to dislodge them or prevent the continuance of their defense. Madison, the fire of conflict burning in his soldierly eyes, answered the surprising demand for a surrender by stating his knowledge of Indian warfare and declining to surrender unless the fullest protection was afforded his command. Proctor demanded to know if Madison proposed to dictate to him, to which the gallant Kentuckian replied that he proposed to dictate for himself and that he and his men proposed to continue fighting rather than to be murdered by the savage allies of the English forces.

Proctor then agreed that private property

should be respected; that the sick and wounded American soldiers should be taken to Malden for treatment and that they should be protected. It will be noted that no promise was made for the protection of those who were neither sick nor wounded. Major Madison, upon inquiry among his subordinate officers, found that the supply of ammunition was almost exhausted; that half, or more, of the army had already surrendered, and that the success of a retreat was impossible. Therefore he accepted Proctor's terms and surrendered his gallant fellows to a fate worse than death—to the ruthless savagery of a body of Indians who knew not mercy and reveled in butchery undeterred by their white allies.

When the English forces withdrew on the return march to Malden, bearing their own sick and wounded and leaving behind those of the American army, the promised guard of protection was found to consist of one English Major and two or three interpreters. The stage was set for a tragedy and it quickly followed. The main body of the Indians accompanied the English for a few miles on the return march to Malden. But they did not continue their march. Early on the morning of the following day, hundreds of them returned to the scene of the preceding day's battle, hideous in their war paint and rending the air with their murderous yells of triumph. They broke into and plundered the houses where lay the sick and wounded whom they murdered and scalped. Captain Hickman, a wounded officer of the Kentucky troops, was dragged from his bed, tomahawked, scalped and thrust back into the house which had sheltered him and which was immediately set on fire. The houses where most of the wounded lay were fired and the suffering wounded men, who had been surrendered to an English officer on his promise to protect them, were burned to death in the beds from which their wounds prevented their escaping. Those who were equal to attempting escape were met by the red demons, tomahawked and scalped. None escaped their savage fury. Major Woolfolk, Major Graves, Captain Hart, other officers of lesser grade and all the private soldiers, met the same fate, either at Frenchtown, or on the road to Malden. And Proctor had solemnly promised protection to the sick and wounded. The value of an English officer's word, at least in those days, may be estimated by the bloody record written by savage hands on the banks of the River Raisin, where lie the whitening bones of hundreds of murdered Kentuckians.

The American army's loss was almost total. There were two hundred and ninety men killed in actual conflict or murdered by the savages; five hundred and ninety-two were made prisoners, and a mere handful—thirty-three, escaped. Of the English troops, their commander reported one hundred and eighty-two killed and wounded. He made no report of the Indian losses, perhaps because he had no use for a dead Indian; the only Indian who was valuable to him was one who would murder, scalp and burn his sick and wounded enemies to whom he had promised protection.

The story of that English commander, Colonel Hamilton, whom Gen. George Rogers Clark called "the hair buyer," has been told at an earlier period in this work. Hamilton offered a premium for the scalps of white men, women and children brought to him by the Indians. Proctor, it seems, profited by this early scheme of his fellow-butcher Hamilton, and also offered a price for scalps. The Indians learned that by refraining from murdering their white captives and holding them for ransom, they could receive a greater return than Proctor paid for scalps. Therefore, the returns from the scalp industry fell off and Proctor, making inquiries, learned that the trade in ransoms had affected the market for scalps. He therefore issued an order "forbidding individuals to ransom any more prisoners of the Indians," but at the same time

continuing the proffered price for the scalps of men, women and children.

The English language usually supplies a medium for the full expression of any sentiment, but it is sadly at fault in that it has no words with which to properly characterize this atrocity of Proctor's. To call him a beast or a brute is to cast a stigma upon every animal of field or forest.

That the conduct of Proctor met the approval of his superiors in command, is shown by the congratulatory order of the commander-in-chief, who announced his gratification at the butchery of sick and wounded prisoners and commended Proctor for the notable display of his gallantry "in his humane and unwearied exertions which succeeded in rescuing the vanquished from the revenge of the Indian warriors." It may, therefore, be concluded that the British government was entirely willing to use as allies savages who could only be prevented from wreaking vengeance on the sick and wounded "by the humane and unwearied exertions" of English officers.

For this modern exhibition of savage barbarity on the part of an officer of an English army, Proctor was promoted to be a brigadier general. It is difficult to understand this moderation. It was to be expected that he would be made nothing less than a lieutenant general at least. Certain organizations of today, in our own country and in the piping times of peace, make lieutenant generals of even cheaper material than Proctor.

CHAPTER XXXVII.

Isaac Shelby to the Front—General Green Clay—Investment of Fort Meigs—Disaster to Raw Kentuckians—Tecumseh Stops Massacre—British Withdraw to Malden—A Dearly Bought Lesson—Johnson's Kentucky Cavalry—Heroic Defense of Fort Stephenson—Shelby Takes the Field—Kentucky Sharpshooters with Perry—Victory Electrifies Land Forces—Gallant Charge of Johnson's Cavalry—Indian Defeat—Tecumseh's Death—Heroic Johnson Family—Honor to Shelby and Others—A Kentucky Victory—Campaign Against the Pottawattomies—War Centers in New Orleans—Kentucky Troops En Route—First Naval Fight—Jackson Proclaims Martial Law—British Attacked at Bayou Bienville—Jackson Chooses Another Position—Americans Cannonaded, and Cannonade.

When the news came from the River Raisin, there were few families in Kentucky that were not stricken with grief. The very flower of the young men of the state was represented in the ranks of the volunteers who had bared their bosoms to the storm of savage battle and gone down to death in that awful strife. But the feeling was not all of grief. There was even a deeper feeling than any personal sorrow, a feeling that the disaster must be retrieved; that the victors, white savages and red, should be made to feel the hand of retribution. The people, young and old, had never been so aroused as now.

That sturdy old patriot, Isaac Shelby, had again come into the governorship as the successor of Governor Scott. As governor, he was commander-in-chief of all the military forces of the state, but was not expected to engage in active service. But the people knew his worth as a soldier, which had been proven in the Revolution, and the legislature, recognizing the voice of the people, adopted a resolution asking the sturdy old patriot to take command in the field of a new levy of militia, authorizing him to call for three thousand troops. At once, he responded and ordered that the troops called for should compose four regiments, to be commanded by Colonels Boswell, Dudley, Caldwell and Cox, the brigade thus formed to be commanded by Gen. Green Clay. The first two regiments were hastily assembled at Newport and hurried to Fort Meigs, a new defense recently constructed at the Rapids.

Gen. Green Clay was a Virginian who came in early life to Kentucky, settling in Madison county. He was from the beginning of his career in Kentucky a noted man. He was first appointed a deputy surveyor of Lincoln county when it was one of the three counties of Kentucky district. He was a delegate from Madison county to the Virginia convention which ratified the constitution of the United States. He served twenty years in the Kentucky legislature and was the author of the charter of the Bank of Kentucky. He was a member of the convention which framed the second constitution of Kentucky in 1799, and in 1808 was speaker of the senate. After a long and useful life, he died in 1826, leaving a large estate. He left two sons—Cassius M.

Clay and Brutus Clay—each of whom was a man of great mental force and high character. Those who have read the chapter on slavery in Kentucky, published in this work, will have formed an estimate of General Cassius M. Clay, "the old Lion of Whitehall," who was one of these sons.

Proctor, the butcher, again appears upon the scene. In April, 1813, information was received that he proposed to invest Fort Meigs and force its surrender. By this time he was probably hungering for another saturnalia. In addition to this desire for murder and outrage, there was the attraction of a large quantity of military stores at the fort. He had added to his Indian allies, Tecumseh—the ablest military genius the Indian race has ever developed—together with his brother. The Prophet, and six hundred warriors. Tecumseh is said to have borne a commission as a brigadier general in the English army.

April 28th, the new fort was invested, the Indians crossing the river to that side on which the fort was situated, while the English artillery was planted upon the opposite side and bore upon the fort. May 1st the battle was begun by the artillery of the enemy, which was promptly responded to by that of the American forces. There was a deal of noise, but, as is usual in artillery duels, no great harm was done. After two days of this inffectual warfare, the enemy opened fire from a hitherto concealed battery on the same side of the river as the fort, but this was speedily silenced by the Americans.

Two days later information was received at the fort that General Green Clay was at Fort Defiance with twelve hundred Kentucky volunteers. Orders were at once sent to General Clay to descend the river; land eight hundred of his men on the north shore; attack and crush the enemy, capture and spike his guns and then, regaining his boats, cross the river and joint the forces in the fort, after rejoining his four hundred men and fighting his way through the Indians.

These orders would have been easy of execution by veteran troops, but these soldiers were untrained militia, gallant enough for any enterprise, but unacquainted with the necessity of absolute obedience to orders in the camp or in action. Colonel Dudley landed his eight hundred men, as directed, and stormed the batteries successfully, capturing all the guns. Instead of crossing the river as he had been ordered, he and his force pursued a body of the enemy who fired upon them and then fled. Pursuing these Canadians and Indians for some two miles, Dudley's forces were flanked by the British. Of this force of eight hundred men less than two hundred escaped and made their way safely to the fort. Among those lost was Colonel Dudley, who was first wounded and later murdered by the Indians.

The prisoners taken in this affair were placed in old Fort Meigs, where they were fired upon at will by the Indians. Some of these prisoners were led from among their fellow captives to the gate of the fort where they were shot down in the presence of General Proctor and then tomahawked and scalped. After a score or more had been thus ruthlessly murdered without a word of protest from Proctor, Tecumseh, who had been made aware of what was going on, galloped to the scene ordering the Indians to desist from killing defenseless prisoners. Of the two savages, Proctor and Tecumseh, it is easy to distinguish the nobler man of the two. The remaining prisoners, several hundred in number, after suffering untold horrors in the hold of a small brig for two days, were liberated on parole.

General Clay, after detaching Colonel Dudley, as reported, proceeded to the new Fort Meigs, fighting his way through a large body of Indians. General Harrison, observing the advance of General Clay's force of about five

hundred men, ordered the regulars to the number of about three hundred to attack the batteries of the enemy on the south side of the river. This force, under the command of Colonel Miller and Major Todd, charged eight hundred of the enemy inflicting severe loss upon them, capturing and spiking the artillery and bringing to the fort forty-one prisoners. The force which they had routed outnumbered them about three to one. Proctor, in this engagement, commanded a force of thirty-two hundred men, while that of General Harrison numbered about twenty-five hundred. It was a defeat for the American forces of painful import, coming so soon after that at Frenchtown on the River Raisin, but the Americans were not disheartened. They had had their baptism of fire and were not unwilling to meet the English, Indians and Canadians again.

Proctor, at the conclusion of the day's fighting, sent in a demand for the surrender of the fort, but General Harrison treated the demand with the derision which it deserved. Proctor was merely "sparring for time." As a matter of fact his chief desire was not to capture Fort Meigs, but to get away from its vicinity as quickly as possible. His artillery had been captured and destroyed; many of his men had been killed or wounded, and, in addition, he had heard of the disaster to the British forces at Fort George which had been captured by the American forces. Then, too, his fellow-savages were beginning to be dissatisfied and were leaving him. Facing these misfortunes was more than he could withstand and he withdrew his forces to his former station at Malden.

What appeared at the beginning to be a certain victory for the American arms was changed to a defeat and strangely enough, that condition came about by the ardor of a portion of the troops engaged. Had Colonel Dudley and his untrained Kentucky militia obeyed orders after capturing the enemy's batteries on the north side of the river and had not gone in pursuit of the flying enemy, but had crossed the river instead, General Harrison would have won the victory he had planned. That gallant soldier and gentleman recognized this fact but in his report of the battle used far gentler words than could have been expected from him or, perhaps would have been used by a less splendid soldier. He said in that report: "It rarely occurs that a general has to complain of the excessive ardor of his men, yet such appears always to be the case when Kentucky militia are engaged. It is, indeed, the source of all their misfortunes; they appear to think that valor alone can accomplish everything." Were ever kindly praise and deserved rebuke so generously combined as in this report?

The characteristics of the Kentucky soldier were such that he was never amenable to discipline, as were men of less information. As a rule, the Kentucky private soldier has ranked as high in the social scale at home, as the men whom he chose to command him in the field. From a social and intellectual standpoint they were equals at home—sometimes the private soldier may have held a higher rank—and it was difficult for the private to realize that it was the duty of his officers to do most of his thinking for him. Then, too, the private reasoned that he had entered the service to fight the enemy, and when an opportunity presented to do so, he did not understand why he should not make the most of it. As some one has said: "This is magnificent, but it is not war."

The disasters which had befallen the American arms in the opening of this campaign would have destroyed the morale of less determined men than those who formed the army of General Harrison. The cowardly surrender of General Hull at the very inception of the war; the inexplicable negligence of General Winchester, who permitted his army to lie down to peaceful dreams along the River Raisin without a single vidette between him

and his trained and watchful enemy; the impetuous disobedience of orders by Colonel Dudley and his men—all these had been costly to the American cause. Nearly five thousand men had been killed, wounded or captured. But the dearly bought lesson was not without its value. The regulars had learned how to fight Indians and the volunteers learned how to fight like regulars. Such a combination—trained regulars and equally trained volunteers—was irresistible, a fact that the veterans of England's armies were to be taught before the war had been concluded.

There appeared upon the military scene about this time a Kentuckian who was to become an important figure in the war as well as in the politics of the nation. Among the Kentuckians then serving in congress was Col. Richard M. Johnson, of Scott county. Upon the adjournment of congress, this gentleman hastened to Kentucky and organized a regiment of cavalry of which he became the colonel; his brother, James Johnson, lieutenant colonel, and Duval Payne and David Thompson, majors. This regiment was first employed in June and July in expeditions against the Indians in the northwest but without great results, as the savage warriors from that section were largely engaged with Proctor at Malden, or with other British officers in that section. But if these new cavalrymen were not meeting the enemy, they were learning discipline, the drill, and what it means to be soldiers. Their work was being cut out for them elsewhere and, all unconsciously, they were being fitted for it. And well, in after days, did they prove the value of drill and discipline. They are to be heard from hereafter.

General Harrison being called elsewhere in the military district under his command, left Fort Meigs after the siege had been raised, General Clay succeeding him in command. On July 20th, the British, with their Indian allies, again confronted the fort, but speedily withdrew, owing to the sturdy resistance offered by General Clay and his men.

General Proctor, with thirteen hundred British troops and Indians—he never ventured outside his fort without Indian support—appeared before Fort Stephenson at Sandusky, Ohio. The fort was garrisoned by one hundred and sixty men commanded by Major Croghan, a Kentuckian, aged twenty-one years and a nephew of Gen. George Rogers Clark, the hero of Vincennes. Croghan had as his armament one six-pound gun. Proctor, who had several pieces of artillery, began, on August 2d, a bombardment of the fort, preparatory to an assault. Croghan and his men replied to this assault with such vigor that Proctor was repulsed and driven off, with a loss of one hundred and fifty killed and wounded. The loss of the American forces was one killed and seven wounded. Croghan had been ordered by General Harrison to abandon the fort, if attacked, as he considered it untenable. Croghan was one of those Kentuckians who had gone into the army with the idea that he was there to fight and not to run away. He disobeyed orders; fought and won a battle; saved an important fort and shed a ray of sunshine into the American camp which had known only gloom so long.

General Harrison, undismayed by the loss of a victory of which he had been robbed by the rash impetuosity of Kentucky volunteers, wanted some more of the same brand of fighters and therefore called upon Governor Shelby for not less than two hundred nor more than four thousand Kentucky volunteers. The gallant old soldier-governor issued a call for as many volunteers as would meet him at Newport on August 31st. The splendid old soldier said: "I will meet you there in person. I will lead you to the field of battle and share with you the dangers and honors of the campaign." Did ever clearer clarion call summon men to battle than this? Thirty-five hundred

fighting men hearkened to the call, and met the old hero of King's Mountain at the appointed rendezvous. These he formed into eleven regiments and five brigades commanded by Generals Calmes, Chiles, King, Allen and Caldwell. These brigades formed two divisions commanded by Major Generals William Henry and Joseph Desha, with Governor Shelby as commander-in-chief.

That Kentucky had not grown weary in well-doing is shown by the response to Governor Shelby's call. In addition, Col. Richard M. Johnson's regiment had been increased to twelve hundred men who had been brought to a high state of efficiency in drill and military capacity by the untiring efforts of Lieutenant Col. James Johnson, who was as well-informed in military maneuvers as was his better known brother, Col. R. M. Johnson, in the minutiæ of politics.

McAfee, in his excellent history of those early and exciting days, and who was a captain of volunteers, says: "The 9th of September, 1813, was appointed by the president for fasting, humiliation and prayer. Throughout the camp, many groups of soldiers could be seen paying their devotions to God, and chanting His praises with simple zeal and sincerity, while the less pious preserved the strictest order and decorum. The author could not but feel a deep reverence, approaching a complete reliance, that the special protection of Heaven would be enjoyed by the American army while fighting in the sacred cause of justice and humanity."

It has been heretofore stated that General Harrison first suggested the building of a fleet of vessels to sweep from Lake Erie the haughty navy of Great Britain. That suggestion had been approved at Washington and its fruits were now to become apparent. When the forests of Lake Erie had been transformed into a defensive force and General Harrison had been informed that all was in readiness for an attack upon the British fleet, he detailed one full company, under Captain Stockton and twenty men from the company of Captain Payne, all of the detail being Kentuckians, to join the fleet of Commodore Perry as sharpshooters. At last General Harrison had found a place for his Kentuckians where they could not disobey orders; run after the enemy, and into an ambuscade. One must wonder if General Harrison did not indulge in a quiet chuckle when he issued the order for this detail. However that may be, the Kentuckians, landsmen every one, went cheerfully aboard Perry's vessels and did their duty. History can add nothing to the deeds of that day. The story is imperishable.

It is not necessary here to go into all the details of that contest on Lake Erie. One may be pardoned for an enumeration of the contestants. The American vessels were the brigs "Lawrence," "Niagara," and "Caledonia," forty-three guns; schooners, "Ariel," "Scorpion," "Tigress," "Somers" and "Porcupine," twelve guns; and sloop "Trigg," one gun; total, fifty-six guns. The British had the ships "Detroit" and "Queen Charlotte," thirty-nine guns; brig "Hunter," ten guns; schooners "Provost" and "Chippeway," seventeen guns; and sloop "Little Belt," three guns; total, sixty-nine guns. It is not proposed here to recapitulate the story of the great victory won by Commodore Perry on Lake Erie. All the world knows its details and its results.

September 12th, Gen. Harrison repeated to General Shelby a duplicate of the characteristic report of Commodore Perry:

"United States Brig Niagara, September 10, 1813—Dear General: We have met the enemy and they are ours—two ships, two brigs, one schooner and a sloop.

"Yours,

"Oliver Hazard Perry."

It is a very gratifying reflection that not a vessel of the British force had escaped. The mistress of the seas, as England had been known, had been defeated by a naval force be-

longing to the colonies that had torn themselves loose from Great Britain and set up for themselves as an independent government. It was difficult for England to recognize that her colonies, peopled by English blood, should successfully oppose what they called the "mother country." But the mother country had turned loose upon them a horde of savages and there was nothing to oppose this force but utter extermination.

General Harrison, learning of the victory his soldiers had won, was electrified, as his troops were, and was ready to invade Canada at once. September 14th, the army embarked under Commodore Perry, and was landed four miles below Malden, in array of battle. General Proctor was expected to meet the American forces at once and give them battle. But they were disappointed. Advancing upon the old fort, they found it not only evacuated but burned. The British had not only burned the fort and navy yard but had fled up the rivers Detroit and Thames. General Harrison at once followed the flying enemy to Sandwich, where he went into camp. Major Charles S. Todd was sent forward across the river to intercept the mounted regiment of Col. R. M. Johnson and to order it over to the main body of the forces. The American forces followed Proctor for several days, during which some stores were captured. Proctor was brought to bay and finally forced to fight.

October 5th, the American forces were notified that the British forces were in line of battle but a few miles in the front. General Harrison was ready for them, however they might attack him. Ordering his forces for the attack, he placed Col. Richard M. Johnson's cavalry regiment on the right wing, with orders to attack and at the right moment to charge through the British ranks, wheel to their flank, charge upon them from their rear and fire volleys upon them from this advantageous position. This cavalry regiment, like their grandsons and great-grandsons years afterwards in the Confederate army, had no sabers and depended entirely upon their guns. On the charge they cried "Remember the Raisin." The cry ran along the lines and all the men, most of whom were Kentuckians, re-echoed it.

Colonel Johnson found that his regiment was hampered by the narrow space between the swamp and the river, and that he could not properly maneuver it. To the end that he could properly handle the regiment, he sent his splendid and soldierly brother, Lieutenant Colonel James Johnson, to the right, and led the remaining half to the left wing to charge Tecumseh and his savage support. The cry which drove these splendid Kentucky boy soldiers to victory was: "Remember the Raisin," and with the force of veteran soldiery, they went into battle, facing without hesitancy, the fiercest fire of the enemy. The contest was but a short one. Within ten minutes it had concluded, and the English had thrown down their guns and surrendered to the American forces. Eight hundred English troops had surrendered to less than half of their own number. General Proctor, however, had been very careful as to himself, and had escaped capture. Colonel Johnson and his gallant regiment had made for themselves a record which would last as long as the history of Kentucky.

But the battle was not yet at an end. The fighting was continuous, all the Kentucky riflemen being engaged. Col. "Dick" Johnson and his gallant cavalrymen, had already performed gallant service, but there was yet work for them to do. The Indian forces on the right wing must be met and driven away. An attack was made upon these men who reserved their fire until the white troops were near by. Then they fired and Colonel Johnson was one of the wounded. Dismounting his men, as was the Confederate custom many years later, he advanced them in line in the front of the enemy who gave way after ten minutes of fierce fighting. Hand to hand the white troops

met the savage forces and when the latter had withdrawn, it was found that they had left behind among their dead, their leader, Tecumseh, who had fallen in personal conflict, at the hand of Col. Richard M. Johnson. The news of their leader's death spread consternation among the Indians who immediately fled to the rear.

Governor Shelby, the splendid old pioneer and soldier, learning that Colonel Johnson had killed Tecumseh, and that the Indians were demoralized, ordered a general advance. Reinforced by Donelson's regiment, they drove the British and their savage allies beyond their immediate reach.

There have been many statements about the death of Tecumseh, but the bulk of the testimony has favored the contention that he fell at the hands of Colonel Johnson. Those who were present in the battle when Tecumseh was killed, say that Colonel Johnson killed him; some who were not present, say that he did not. The reader having no prejudice, the one way or the other, may form his own conclusions. However it may be, the Indians, after learning that their leader, Tecumseh, had fallen had but little heart for further battle. Colonel Johnson, the gallant leader of the Kentucky cavalry, had been painfully wounded. McAfee, the historian, who fought for Kentucky first, and wrote about it afterwards, said of the loss of Tecumseh: "The Indians had lost by the fall of Tecumseh a chief in whom were united the powers of Achilles and the authority of Agamemnon." Though these references to ancient lore may have been unintelligible to many of those who had opposed Tecumseh, there were not lacking those who remembered with gratitude that he had interposed his authority to save the helpless prisoners whom the savage Proctor was permitting to be murdered in his presence. In subsequent political campaigns, the question as to whether Colonel Johnson did or did not kill Tecumseh was supposed to be of supreme importance—so pitiful and small are the ways of the professional politician.

However the question may have been finally decided, there is no doubt about the fact that Colonel Johnson served faithfully his state in the United States senate for eighteen years, and the people of the entire country for four years as vice-president. Not only was Richard M. Johnson a brave and soldierly officer, but there were others of his family possessing the same high traits. His brother, James, was lieutenant colonel of his regiment of cavalry and as gallant a man as any who served with him. The author, for personal reasons, being of the same blood as these heroic gentlemen, prefers that another's estimate of their character shall be given here. Smith, in his excellent "History of Kentucky," says: "Many yet living will still remember the brothers, Richard M., James, and John T. Johnson, formerly of Scott county. They were the impersonation of the heroic in character. For their country, patriotism knew no sacrifice they were not ever ready to offer up. For the neighbors and friends in need, no bounds were ever set to the generous disposal of their services and possessions. Wherever duty called, all idea of self was obscured in the devotions of performance. Not Percy nor Richard were more impetuous and daring on the field of battle where the front of peril was the point they ever sought, to make of themselves an example and shield for their devoted followers. The first-named was honored by his countrymen with a seat in congress and finally with the vice-presidency of the United States. The last-named, John T. Johnson, also left the halls of congress, under a sense of duty and loyalty to an authority higher than human, to devote his life services to the ministry of religion in which he gave the same impassioned and self-denying consecration that had distinguished the trio of brothers in other spheres of duty."

General Harrison, in his official report, says

of Colonel Johnson's regiment: "It would be useless to pass encomiums on Colonel Johnson and his regiment. Veterans could not have manifested more firmness. The colonel's wounds prove him to have been at the post of danger. Lieutenant Colonel Johnson and Majors Payne and Thompson were equally active."

These gallant Kentucky cavalrymen were not the only Kentuckians who won the praise of the commanding officer. After evincing his high appreciation of the services rendered him by Capt. Charles S. Todd, General Harrison says, and again a quotation is made from Smith: "I am at a loss how to mention the merits of Governor Shelby, being convinced that no eulogium of mine can do them justice. The governor of an independent state and greatly my superior in years, in experience and in military fame, he placed himself under my command and was not more remarkable for his zeal and activity than for the promptitude and cheerfulness with which he obeyed my orders. Major Generals Henry and Desha, and Brigadier Generals Allen, Caldwell, King, Chiles and Trotter, all of the Kentucky volunteers, manifested great zeal and activity. Of Governor Shelby's staff, Adjutant General McDowell and Quartermaster General Walker rendered great services, as did his aides, General Adair and Majors Barry and Crittenden."

Going back to the results of this battle, it may be stated that in addition to the loss of Tecumseh, an irreparable one, the Indians were driven away by a force of not one-third their number and that every member of this force was a Kentucky volunteer. So great was the victory won by General Harrison that the shattered tribes sent messengers to him begging for peace. He, on the principle of fighting the devil with his own fire, had engaged certain Indians in his service with the rigid restriction that they should observe the rules of civilized warfare and indulge in none of the murderous excesses which had marked the career of Proctor and his fellow-savages. Others of the Indians now came seeking service under him, but none were received who would not accede to the severe terms he had prescribed.

The victorious Kentuckians, after the success that had attended their service, returned to their homes crowned with the sense of a duty well performed, and were mustered out of the service.

There was little more of service for Kentucky troops in the north after this, with one exception. The Pottawottomie Indians did not seem to know when they were whipped and showed an inclination to continue in the service of the English government. Ohio and Kentucky were called upon for five hundred men each to teach these Indians the pleasantness of the paths of peace. Kentucky responded with seven companies of volunteers, under the command of Major Peter Dudley, who joined the body of troops commanded by General McArthur, who forthwith marched into Canada into which he penetrated some two hundred miles, having almost daily skirmishes with the enemy. Finally, he struck a force of about five hundred men whom he attacked and dispersed, with a loss to the enemy of one hundred and sixty, killed, wounded and prisoners. Having accomplished this complete success, the volunteers returned to Sandwich, where the enlisted men received honorable discharges. They had not met the Pottawattomies against whom they were supposed to proceed, but by a military diversion against others of the enemy, they had won a success which taught the Pottawattomies a useful lesson and that tribe no longer disturbed them. General McArthur generously awarded praise to Majors Todd and Dudley and Captain Bradford for the excellence of their service in this short campaign.

The English, despite their use of the savage tribes in the north and northwest, had steadily lost in some important engagements. It is

true that Hull had ignominously surrendered to them and that Winchester, by his strange failure to throw out videttes, had permitted the enemy to surprise him, but we had won some victories nevertheless when General Harrison came upon the scene. Harrison made no mistakes, no surrenders. If there was fighting to be done, he was there on the spot and ready to do it. If a retreat was to be made, he conducted it without permitting it to become a rout. In a word, he was a soldier who knew his business and when he joined hands with bluff old Governor Shelby, of Kentucky, there was no English general who was their equal, and neither of them knew the meaning of the word defeat. When they put their forces and their heads together things began to happen with a celerity which surprised and demoralized the enemy.

The eyes of the country now turned to the south, as England had been whipped everywhere else and there needed but one more victory to convince our English cousins that their room was better than their company on this continent. And they did not have to wait long for the lesson. They had won a great victory at Waterloo, assisted as usual, by the forces of another country; Napoleon had taken up his residence at St. Helena, and for the first time since the beginning of his meteoric career England was able to take a free breath. She had the scourge of Europe safely cooped up, and from him no longer feared reprisals. She would send over to America the troops who had successfully met the French at Waterloo—Blucher and his Germans helping them—and speedily reduce the Americans to a state of subserviency. That was the plan of the British cabinet, but they reckoned without their host. There were some people on this side of the Atlantic who had not been consulted and who held views diametrically opposed to those of the cabinet. They also held guns with which to enforce those views.

The English troops who had taken and burned Washington, were to proceed to New Orleans, there to be joined by the victors of Waterloo. This was a beautiful scheme, had it worked out as arranged by the English cabinet, but there was a failure in the plans and England suffered yet another humiliation.

When the plans of the English became known, the war department ordered twenty-five hundred Kentucky militia to join the Georgia and Tennessee recruits as reinforcements for General Jackson at New Orleans, thus increasing his force of regulars and volunteers from Louisiana and the Mississippi territory to about fourteen thousand men.

New Orleans, then as now, had a population largely composed of people of Spanish and French blood. These people had never taken kindly to the possession of Louisiana by the United States. The French avowed allegiance to the crown of France, while it was believed that the Spaniards would declare sympathy with the English. There were but a few Americans, comparatively speaking, in the city, but these were loyal to their country. The legislature which was in session was thought to be disloyal to the United States and was taking no steps for the protection of the city of New Orleans against the threatened invasion by the English. But there was a strong body of citizens who welcomed the coming of General Jackson and gave him a moral support which was of great value in the trying days which confronted him.

By the latter days of November, the Kentucky, Tennessee and Georgia militia which had been ordered to the support of General Jackson, were en route down the river. The Kentucky forces were under the command of Gen. John Thomas, whose adjutant general was John Adair, a trained and gallant soldier, who should have been in command by reason of his experience in the field and the splendid record he had made.

General Jackson, late in November, trans-

ferred his command from Mobile to New Orleans, reaching the latter place about December 1, 1814. He at once began preparations for defense and was fortunate in having the governor of Louisiana order the organized militia to his support, several bodies thereof being already in the field at the time of his arrival at New Orleans. Guards were posted by General Jackson at all points by which it was expected the coming enemy would attempt to reach the city. New Orleans is vulnerable to attack from many directions, owing to the deep water of the various bayous which surround it, most of which lead into Lake Pontchartrain which lies in its rear. But General Jackson was on the ground in advance of the enemy and omitted no defensive operations along any of these waterways.

The hostile fleet made its appearance on the 12th of December, making its rendezvous, with forty sail, at Ship Island, off Bay St. Louis, whence, if unopposed, it could make its way, to Lake Pontchartrain and attack the city from the rear. Lieutenant Jones, in command of the American naval forces, was attacked by a flotilla of the enemy largely outnumbering him. The action which lasted for about two hours, was a very bloody one, the enemy losing about three hundred men. The American loss was but five killed and thirty wounded. Among these latter were Lieutenants Jones and Lockyer. These gallant young officers had been under fire before at Valparaiso where the gallantry of themselves and the men under their command, had added new laurels to the American navy.

That portion of the population of New Orleans which was loyal to the American cause, was alarmed by the result of this engagement. The English army was not far away and the last barrier to its approach and capture of the city seemed to be now swept away. Jackson had four thousand men for the defense of the city, three thousand of whom were volunteers and with these he had to meet and, if possible, defeat the best trained soldiers of England.

General Jackson was not a soldier to hesitate; he knew the conditions surrounding him and met them as a soldier should. Fearing that steps might be taken by the civil authorities which would interfere with his plans for the protection of the city against the enemy, he placed New Orleans and its immediate surroundings, under martial law. The word "fearing" was used at the beginning of the preceding sentence. It was incorrect, for it is not on record that General Jackson ever feared anything. "Anticipating" would more properly describe the feeling which prompted the issue of his order. Those who sympathized with the plan of defense approved the order; those who did not, and there were many of these, were careful not to make publicly known their opposition. The order was drastic in its terms. All persons entering the city were required to report their arrival to the adjutant general of the army; those leaving the city must have a passport from the military or naval authorities. All lights on the city streets were required to be extinguished by nine o'clock in the evening, and those persons found abroad after that hour were under suspicion as spies. All male persons within the limits covered by the order were forced into the service and required to join either the land or naval forces.

There will be those who read these words who will esteem these orders as harsh and infringing on the rights of the citizen. But in the midst of arms, the laws are silent. To such as would too harshly criticize these orders of General Jackson, it may only be necessary to call attention to conditions existing in Louisville in 1862, when the Confederate army under command of General Bragg threatened to occupy the city. Citizens were forced at the point of the bayonet, to assist in the construction of fortifications; their horses were taken from the carriages containing the fe-

male members of their families; no one was permitted to leave or enter the city without permission from the military authorities, and in every respect Louisville in September, 1862, occupied the position of New Orleans in December, 1814. War is not a respecter of persons nor of civil laws, a fact which those within its midst cannot too soon nor too fully recognize.

Along with the proclamation of martial law, General Jackson issued an address to the people of New Orleans, as follows:

"The Major General commanding has learned, with astonishment and regret, that great consternation and alarm pervade your city. It is true that the enemy is on our coast and threatens an invasion of our territory; but, it is equally true, that with energy, union and the approbation of Heaven, we will beat him at every point where his temerity may induce him to set foot on our soil.

"The General, with still greater astonishment, has heard that British Emissaries have been permitted to propagate a seditious report among you that the threatened invasion is with a view of restoring the country to Spain, from a supposition that some of you would be willing to return to your ancient government. Believe no such incredible tales. Your government is at peace with Spain. It is the mortal enemy of your country, the common enemy of mankind, the highway robber of the world who threatens and has sent his hirelings among you with this false report, to put you off your guard that you may fall an easy prey to his rapacity. Then look to your liberties, property and the chastity of your wives and daughters. Take a retrospect of the conduct of the British army at Hampton and other places where it entered our country, and every bosom which glows with patriotism and virtue will be inspired with indignation, and pant for the arrival of the hour when we shall meet the enemy and revenge these outrages against the laws of civilization and humanity.

"The General calls upon the inhabitants of the city to trace this unfounded rumor to its source and bring the perpetrator to condign punishment. The rules and articles of war annex the punishment of death to the crime of holding secret correspondence with the enemy, supplying him with provisions or creating false alarms, and the General announces his unalterable determination rigidly to execute the martial law in all cases which may come within his province.

"The safety of the district entrusted to the protection of the General must and will be maintained with the best blood of the country and he is confident that all good citizens will be found at their posts with arms in their hands, determined to dispute every inch of the ground with the enemy, and that unanimity will pervade the whole country. But, should the General be disappointed in this expectation, he will separate our enemies from our friends. Those who are not for us are against us and will be dealt with accordingly."

This proclamation had the desired effect. Those not in sympathy with the American cause, knew the stern character of General Jackson and that he would execute to the letter, the laws of war to which he had referred in his address to the people of New Orleans. Therefore, they remained silent and desisted from any action denounced by the stern old warrior, who always said what he meant and acted in accordance with his pronouncements. While the disaffected were thus driven to an enforced silence, the patriotic residents of the city had new life instilled within them. Arms and accoutrements were issued to them and they were daily drilled in the duties of the soldier. General Jackson, for the encouragement of these citizen volunteers and those in sympathy with them, issued a second address from which the following extract is taken:

"The General, commanding in chief, would not do justice to the noble ardor that has animated you in the hour of danger; he would not do justice to his own feelings, if he suffered the example you have shown to pass without public notice. Inhabitants of this opulent and commercial town, you have, by your spontaneous efforts, shaken off the habits which are created by wealth and shown that you are resolved to deserve the blessings of fortune by bravely defending them. Long strangers to the perils of war, you have embodied yourselves to face them with the cool countenance of veterans; with motives to disunion, that might operate on weak minds, you have for-

gotten the difference of language and the prejudices of national pride and united with a cordiality that does honor to your understanding as well as to your patriotism."

To the defense of that portion of the city approachable by the innumerable bayous and passes in the vicinity of Lake Borgne, a force of volunteers was assigned under command of General Villere, who was fully acquainted with the territory between the lake and the Mississippi river. General Jackson had especially ordered that navigation of the Bayou Bienville be prevented, but these orders Villere had not observed, a fact of which the English commander took immediate notice and advantage. Villere had placed a picket guard at the mouth of the bayou, near his own plantation, but this was not sufficient, and on December 23d, the enemy surprised and captured this guard and a company of troops on Villere's plantation. Troops to the number of three thousand were then taken up the bayou and encamped on a neighboring plantation. Notice of this movement was quickly brought to General Jackson, who decided upon an immediate attack. General Carroll, commanding the militia from Tennessee had made an unprecedented march to the scene of action and was ready for any orders that might take him and his gallant volunteers into action. General Carroll had his command of mounted men also in readiness for active service. Coffee and Carroll were encamped near each other, four miles above New Orleans, and the general commanding notified them to be in readiness for a general attack, either offensive or defensive. An attack was expected by the way of Chêf Menteure and Carroll's forces were so distributed as to properly meet it. General Jackson had an inferior force, but this did not deter him. He was not only ready for action but anxious for an opportunity to meet the enemy. On the 23d of December, the commander-in-chief approached the encampment of the British command under cover of darkness. General Coffee was ordered to attack the British right, while General Jackson led the other forces and attacked them upon the left, while, at the same time, Commodore Patterson, commanding the schooner "Caroline," was to fire upon the English camp. At half past eight Commodore Patterson opened fire upon the enemy's camp, Coffee's forces rushed forward with impetuous attack, entering the enemy's camp, while General Jackson, with equal ardor, attacked their left, being supported by the fire of the "Caroline" and two field pieces. The contest was a warm one for a time, but a fog arising caused trouble among the American troops and a cessation in the battle.

General Jackson maintained his position until four o'clock on the next morning, when he withdrew his forces without the enemy's having ascertained his numerical weakness. Retreating to a point up the river where he could defy the enemy with even fewer troops than he had under his command, General Jackson calmly awaited attack confident in his capacity to defeat his enemy when a general engagement came, notwithstanding the superior force of that enemy. The British General Keane, commanding some of the men who had followed the Duke of Wellington in his successful campaigns, was disdainful of the volunteers who confronted him and imagined an easy victory as within his reach. But he had met with an unexpected reception on his first attack, which taught him a new lesson in warfare. Braddock, years before, had underestimated the military character of the American and sneeringly refusing to accept the counsel of the young American soldier, George Washington, had rashly gone to defeat, and to death. General Keane, perhaps, remembering the lesson of Braddock's defeat and Burgoyne and Cornwallis' surrenders, put a higher estimate upon the military genius of American soldiers, determined to hold his present position, if possible, until the arrival

of General Packenham and his forces, avoiding, in the meantime, further contest with the forces under the command of General Jackson. He had lost four hundred killed, two hundred and thirty wounded and seventy prisoners captured by the American forces. The loss of the forces under General Jackson were twenty-four killed, one hundred and fifteen wounded and seventy-four missing, supposed to have been captured. The large number of the British forces reported killed, as compared with those wounded, shows the superior marksmanship of the frontiersman to that of the ordinary soldier. These men had carried a rifle from their earliest boyhood; they had used it against the savage and the wild beasts of the forest and had learned what it meant to make every shot count. Not only in this minor contest, but in that which was to come soon after, did this early attained facility with the weapons of warfare, stand them in good stead and teach such a lesson to England as has made that country ever since hesitate to come in contact with the American volunteer, the finest soldier who ever marched to battle.

General Jackson was not yet ready for battle, preferring to await the arrival of the reinforcements which he knew were en route from Kentucky. But he lost nothing by this delay. Intrenchments were thrown up wherever the engineering force found them necessary; artillery was placed in the most advantageous positions, cotton bales, being used to strengthen the works. Fronting these works were wide ditches filled with water to retard the advance of the enemy. These ditches, it was afterwards developed, were unnecessary as the English forces never reached the immediate intrenchments of the American lines.

The two American vessels, the "Louisiana" and the "Carolina," on December 26, dropping down the river, shelled the English lines and drove the enemy into the swamp. On the 27th, the enemy sent a fire of red-hot shot into these two vessels, the "Louisiana" escaping injury by its distance from the assailants. The schooner "Carolina" being becalmed within range of the enemy's guns, was less fortunate, and soon after being abandoned by her commander, was blown up and destroyed.

General Packenham, soon after his arrival, with large reinforcements, made an attack upon the defensive works of General Jackson on December 28, advancing his entire force and opening a cannonade with his entire artillery. The air was filled with every character of shot and shell known to the artillery service of that day. But artillery attacks are but sound and fury signifying little. Few men are ever killed by artillery fire. A tremendous noise is made; the earth trembles under the impact of the heavy gun fire and when all is over, it is usually found that a certain number of men have been frightened by the uproar and that but few have been killed or injured compared to the noise that has been made.

In this instance, that was the real result. The militia, whom it was expected to throw into a panic with the cannonade, had speedily gauged the danger and found that, in no sense, did it compare with the noise made. They, therefore, declined to be stampeded by the uproar, but held their ground like veterans, while our own artillery took the measure of the English and kept them at a respectful distance. In this encounter, the enemy lost one hundred and twenty killed, while the American loss was seven killed and eight wounded. For several days after this the English nursed their wounds in comparative quiet, nothing more serious than picket skirmishing occurring, the "Louisiana" occasionally making herself disagreeable by dropping shells into the English camp.

Admiral Cochran, of the English naval force, had boastfully sent word into the American camp that he proposed to eat his Christmas dinner in New Orleans, while General Packenham, more disposed to delay, having met the volunteers unsuccessfully, named

January 1st as the day when he would dine in the Crescent City. But man proposed and God and General Jackson disposed in each of these cases. Admiral Cochran missed his Christmas dinner and General Packenham went where New Year's dinners are probably unknown.

January 1, 1815, was Sunday, a day on which many great battles have been fought, not only on this continent, but in other parts of the world. Under cover of a heavy fog, the enemy advanced to a point six hundred yards from General Jackson's works, and erected three batteries mounting fifteen guns ranging from six to thirty-two pounders. The opposing forces were now closer to each other than they had before been. When the fog had lifted, they began a heavy fire upon the American works, attempting, at the same time, an assault in column with their infantry. These latter were speedily driven back, but the cannonade was continued throughout the day until late in the day, when the well-directed fire of the American artillery had silenced most of their guns, and, under cover of the night, they withdrew. The American loss in this artillery duel was eleven killed and twenty-three wounded; that of the enemy must have been much greater since they abandoned their position.

General Jackson now turned his attention to fortifying the right bank of the Mississippi, the enemy, at the same time, also turning their attention in that direction. Commodore Patterson landed on that bank some of the heavy guns of the "Louisiana," as a support for the land batteries on the left bank. Should the enemy attempt to force his way up the river, these guns would take him in flank and in those days of wooden ships, would probably have burned or sunk more than one of his vessels, as he was prepared to fire hot shot into them from furnaces erected near his guns. These hot shot would also have burned the buildings on the left side of the river in which the enemy had taken refuge. Gen. D. B. Morgan, commanding the New Orleans and Louisiana volunteers, was placed near this battery as a support and to drive back any attack the enemy might make at that point. He at once began to throw up entrenchments and mounted three twelve-pounders.

CHAPTER XXXVIII.

First Kentuckians to the Front—Support American Advance—American Volunteer vs. British Regular—"Jackson's Day"—Justice to Kentucky Soldiers—Remarkable New Orleans Victory—British Withdraw—Battle After Peace Treaty.

January 4, 1815, the expected reinforcements from Kentucky began to arrive. The first of these, under command of General Thomas, were almost destitute of arms. They had brought but few weapons from their homes, expecting to be supplied with the necessary arms on joining the army in the field. In this they were disappointed, as the arms ordered by boat from Pittsburg had failed to arrive.

The Kentuckians were ordered into camp, one mile above the lines, to await the arrival of the expected arms or their procurement elsewhere. New Orleans was ransacked for proper arms for these new forces. By the 7th of January, from various sources, arms were secured to equip the regiment of Colonel Slaughter and a battalion under Major Harrison. These forces were then marched, one thousand strong, to the front under command of General Adair, an experienced Indian fighter, and were placed in support of General Carroll's Tennessee troops.

The enemy, in the meantime, were endeavoring by means of a canal connecting the Mississippi river with Bayou Bienville, to draw their boats into a position which would enable them to attack Commodore Patterson and General Morgan. On discovering the aims of the enemy, Patterson at once communicated them to General Jackson, with a request for reinforcements. General Jackson thereupon ordered four hundred unarmed Kentucky volunteers to proceed to the city where, it was expected, they would be supplied with arms and ammunition, after which they were to march down the right bank of the river and join General Morgan. These men marched at night and on arriving in the city it was found that arms could be had but for two hundred, and these arms were indifferent and not such as properly equipped soldiers should carry into battle. But such as they were, the Kentuckians accepted them and two hundred of their number marched to join Morgan's command, the remaining two hundred returning to the camp whence they had come.

On the morning of January 8th, at about one o'clock, Commodore Patterson, observing unusual activity in the camp of the enemy, promptly notified General Jackson of the fact. Every one believed that the great struggle was about to begin. The first two attacks by the enemy having been repulsed, it was not doubted that he was about to make his third and greatest effort. The army, however, was in the main, ready for him. The Kentucky troops, it is true, were but poorly armed, the guns that had been given them being of a character to which they were unaccustomed, but like their comrades, they were ready and willing for the fight. They were held in the post of honor, always given to troops upon whom dependence can be placed—in support of the advance columns of General Carroll. Upon supporting forces depends the safety of an

army should the advance lines be driven back, and it was this honorable position which was held by the Kentucky volunteers.

The advance of the enemy was begun on the morning of January 8th, soon after dawn, in two strong columns, their left being under the command of General Keane, their right under that of General Gibbs; a third, or reserve column, holding the post of honor under General Lambert. At the moment when a rocket gave the signal for their advance, a heavy artillery fire was begun upon the American lines, at the short distance of five hundred yards.

The American lines received the attack with commendable courage while the artillery, admirably managed, tore the advancing English columns inflicting great damage. But it was the small arms of the Americans, which inflicted the greatest injury upon the English. The infantry withheld their attack until the enemy were at close range and then poured into them a steady, remorseless fire under which they, for a time, continued to advance with intrepid bravery, but human nature has its limitations and finally the advancing columns broke. Their officers, gallant men that they were, rallied them, throwing them once more against the American defenses, but in vain. The Americans were not to be denied; they had come to the front to meet the flower of the British army, and having met it, were determined not to yield to it but to hold their ground until that army was defeated and driven from American soil. Again and again the brave Englishmen advanced to the attack. In the center, the Kentuckians had come up to join the Tennesseans, and the brave volunteers from the sister states, six deep in line, met the fiercest of the English charges and drove them back time and again.

Twice driven back, the English forces formed for a third charge upon the American lines. It seemed that their officers had determined either to win all or lose all at this battle. On they came, a third time, gallantly, it must be said to their credit, only to be again driven back with heavy loss. They could not rally again and as their torn columns retreated to their encampment, the American artillery poured a withering fire into them still further shattering them.

The battle was ended and victory rested with the American arms. The English commander-in-chief, General Packenham, lay dead upon the field; Gen. Keane and Gen. Gibbs were each wounded, the latter dying a few days later. Within one short hour General Jackson had won the greatest battle of his career against the flower of the British army, and written a new page in the history of the young Republic. From that day to this, January 8th has been known as "Jackson's Day," and each anniversary of the Battle of New Orleans, has, in some manner, been celebrated. In Kentucky, for many years, the day was recognized by the firing of cannon from Arsenal Hill, at Frankfort, but this practice has fallen into disuse of late, the legislature, which formerly authorized the annual salute, having found its time so occupied in seeking political advantages over its adversaries as to forget that in the earlier days of the republic sterner battles than those of politics were fought and won by the citizen soldiery of the country.

Returning, however, to the battle field at New Orleans, it is not pleasant to record that while the troops on the left side of the river were winning a great victory, those on the right side were sustaining a reverse. Commodore Patterson's battery had done some good work during the battle, but later, was to fail in an emergency owing to delay in bringing it to bear upon a British force which had been thrown across the river, under command of Colonel Thornton. The latter advanced upon and drove back a force of Americans commanded by Major 'Arno, who had been ordered to oppose the landing of the British

troops. Continuing their advance, these latter struck the poorly armed force of Kentucky volunteers, two hundred strong under command of Colonel Duncan. After a loss of thirty men, killed and wounded, Duncan retreated under orders from General Morgan, and later formed again on the right of the Louisiana militia. The guns in Patterson's embrasures being trained upon the left bank of the river, were not turned in time to oppose the advance of Colonel Thornton's charge. General Morgan's five hundred Louisiana troops were aligned behind protecting breastworks to the rear of the battery and at right angles to the river, being protected by three pieces of field artillery. There were one hundred and seventy Kentuckians, in addition to the two hundred under Colonel Davis, who were deployed along a ditch for three hundred yards, necessarily in skirmish formation, while to their right were several hundred yards of open country entirely unprotected. The enemy came on in gallant form to the charge in double columns. Their right column, nearest the river, was met by General Morgan and driven off by his artillery. The British left column advanced against the Kentuckians who had no artillery and, in addition, no support upon the open ground to their right.

The strongest resistance was made that was possible under the circumstances, but the British forces flanked them and commenced to fire upon their rear. Receiving thus a hot fire from superior forces in both front and rear and receiving no support from General Morgan, these untrained Kentucky militiamen did what the best disciplined veterans would have done, and retreated from a position which they were unable longer to hold. Morgan and his men followed and Patterson, after spiking his guns, also withdrew. The enemy pursued the retreating forces some distance up the river and then retreated, stopping long enough to destroy the batteries of Patterson which had already been rendered harmless by the spiking of his guns. Patterson and Morgan, the first remiss in duty for not having sooner trained his guns upon Thornton's advancing force; the second, for leaving his right flank unprotected, recognized that they were fit subjects for blame, and looking about for some one upon whom to saddle the cause for their own remissness, settled upon the Kentucky troops who had been assailed in front by superior numbers; flanked on their right, and fired upon from their rear before they even attempted to withdraw. These same Kentuckians, armed with makeshift guns, picked up in New Orleans, had done most of the fighting on the right bank of the river, Morgan having used his artillery rather than his small arms against Thornton's advancing column. They persuaded General Jackson to believe that the Kentuckians and not themselves, were to blame, the result being that the commander-in-chief, in his report to the war department, said that "the Kentucky reinforcements ingloriously fled, drawing after them, by their example, the remainder of the forces." Commodore Patterson, who had spiked and abandoned his guns when there was no need to do so, was equally unjust in his report to the navy department. Colonel Davis, smarting under the injustice of these charges, demanded and was granted a court of inquiry, before which the facts above stated were conclusively shown, the court reporting that "the action of the Kentucky troops was excusable." Kentucky troops have never been amenable to the charge of running away. General Adair, commanding the Kentucky volunteers, was not satisfied with this report and pressed the matter upon General Jackson, who finally gave a sentence of justification. It is not proposed here nor elsewhere, to pay a tribute to these Kentuckians at New Orleans. Kentucky soldiers have written the proud record of their gallantry upon too many fields of strife to need that the historian of today should explain their conduct at New Orleans, or else-

where. In the contests with the Indians in defense of their homes; with George Rogers Clark at Vincennes; with General Harrison at Tippecanoe; at the River Raisin, and years afterwards at Buena Vista, Cerro Gordo, Chapultepec and the City of Mexico, they had written the name of the state too high upon the soldiers' roll of fame to need a panegyric at this late day. In other and on more momentous fields, in civil strife, they have enriched the soil of the south with their blood and on every field, whether wearing the uniform of the Union or of the Confederacy, they have done honor to the state which gave them birth and made the name of a Kentuckian one to be borne with honor throughout every nation on earth.

The victory of the American forces on the left bank of the river stands unparalleled in history, so far as the losses are involved. The Americans lost six killed and seven wounded, while the British loss was about two thousand, six hundred in killed, wounded and prisoners. When an armistice for the burial of their dead was granted the enemy, and a line drawn beyond which they were not to advance, and between that line and the works, four hundred and eighty-two English soldiers lay dead, while two hundred lay outside that line, the estimate of twenty-six hundred killed, wounded and prisoners is not, therefore, regarded as extreme.

General Packenham, who, as has been stated, was killed, was a trained soldier of much experience, and a brother-in-law of the famous Wellington who, with Blucher's aid, had beaten Napoleon at Waterloo and forever ended the career of that remarkable man, the modern Attilla, who had been the scourge of Europe for so many disastrous years. Packenham had learned his lessons of war under his great relative, while the troops under his command were trained and tried veterans of many campaigns. Yet the volunteers from Louisiana, Tennessee and Kentucky numbering not more than four thousand, had utterly defeated his army of more than twice their number. On the other banks of the Mississippi, though Colonel Thornton had won a temporary triumph for the British arms, it had been at the loss of one hundred of his men killed and wounded. Among the seriously wounded was Colonel Thornton himself. The American forces though suffering a temporary reversal, lost less heavily than the enemy.

The English commanders, notwithstanding the severe losses in the battle on the 8th, brought up the river a portion of their naval outfit on the morning of the 9th, with a view to an attack on Fort St. Philip. From a point beyond the range of the guns of the fort, a bombardment was begun which continued for nine days without any material damage being inflicted. Finally, a large mortar was brought to and mounted at the fort and this opened fire on the fleet on the 17th, causing the withdrawal of the British vessels on the following morning. The loss in the fort was two killed and seven wounded, though thousands of shots had been fired by the British during the bombardment.

Failing in this second attempt to reach the city, General Lambert, who had succeeded to the command after the death of General Packenham, together with Admiral Cochran, commanding the naval forces, began preparations for a withdrawal of their forces. As a preliminary step an exchange of prisoners was arranged for and perfected on the 18th on the night of which day the enemy retreated to their boats and small vessels, preparatory to a transfer to their larger vessels of war lying off Ship Island in the Gulf of Mexico, off the coast of Mississippi. Besides some of their wounded too badly injured to be removed, they left behind them eighteen pieces of artillery and a large quantity of ammunition. General Jackson made no effort to interfere with the retreat of the defeated enemy, but Mr.

Shields, an officer of the American navy, who had borne a flag of truce to the enemy and been treated with contempt and, for a time, made a prisoner, after his return to the American lines, had the pleasure to lead a small naval force through Chêf Menteure intercepting, capturing and destroying two British vessels, bringing in eighty prisoners and paroling a number of others.

It is a historical fact, perhaps not known to many persons, that this great battle was fought after terms of peace had been agreed to between the United States and Great Britain. Some time prior to the date of the battle, the former country had appointed a commission composed of Henry Clay of Kentucky, John Quincy Adams of Massachusetts, James A. Bayard of Delaware, and Albert Gallatin of Pennsylvania, to meet with a commission to be appointed by the English government. The latter named as its commissioner Lord Gambier, Henry Gaulborn and William Adams. So far as American history knows, these latter names are written in water, as no man here knows whence they came nor whither they went. But indelibly upon the pages of history are inscribed the names of the illustrious Americans who formed our commission.

The commission met at Ghent, Belgium, and after proper consideration of the momentous questions before it, agreed to terms of peace on December 24, 1814. Ratification of these terms was exchanged between the two governments at Washington February 17, 1815.

Thus it is seen that the battle of New Orleans was fought two weeks after terms of peace had been agreed upon and that the ratification of the treaty followed the battle in one month. One may speculate in vain as to the difference in the pages of history which would have been written had there been then, as now, a system of electric communication between the old world and the new. Certainly the battle of New Orleans would never have been fought. Those who enjoy speculation upon possibilities, may decide for themselves whether or not General Andrew Jackson would have sat for eight years in the presidential chair, had there been an Atlantic cable in December, 1814, to convey to the government and to him, the news that the Treaty of Ghent had been agreed upon and that the war was at an end.

On the field of Chalmette, where the battle of New Orleans was fought and won, nearly one hundred years ago, there stands today an unfinished monument originally begun in honor of the splendid victory won there by American arms. It is in full view of vessels passing on the river and its unfinished condition is occasion for remark by all who observe it, and that remark is not complimentary. As if to emphasize the statement that Republics are ungrateful, the United States has never seen fit to secure from congress a suitable appropriation for the completion of this monument which stands a mute reproach to all who are today in authority, as well as to those who have preceded them. That the Louisiana delegation in congress has not brought this subject before that body and, at least, endeavored to secure the aid of the government is difficult to understand. Had it been a matter of an increased duty on sugar or rice there would have been no difficulty in securing the attention of the honorable senators and representatives from the Pelican state.

CHAPTER XXXIX.

KENTUCKY SURVEYOR AND STEAMBOAT INVENTOR—RUMSEY'S INVENTION—FULTON OR FITCH—MURRAY, INVENTOR OF "BESSEMER STEEL"—MADISON AND SLAUGHTER ADMINISTRATIONS—"THE PURCHASE" LANDS—KENTUCKY'S SEASON OF "INFLATION"—GENERAL ADAIR, GOVERNOR—PROPOSED LEGISLATIVE "RELIEF"—LEGISLATURE AGAINST JUDGE—CHIEF JUSTICE BOYLE—WILLIAM OWSLEY—BENJAMIN MILLS—RELIEF (NEW COURT) PARTY.

With the close of the second war with England, came the first real era of peace Kentucky had ever known. Born during the first great struggle with his mother country, the state had won its way through constant strife with the savages and their white English comrades and leaders. It had met them wherever battle was offered whether in Kentucky, or at Vincennes, at Tippecanoe, at the River Raisin, in Canada or at New Orleans, and at last had seen the dawn of peace which gave to her valiant sons, and no less brave mothers and daughters, the opportunity they had so long sought to work out the high destiny of the young state free from war's alarms. To the material interests of the commonwealth, attention was now turned, the shadows of war having passed and the sunlight of peace begun to shed its beneficent rays upon them.

In 1780 there came to the district of Kentucky a young surveyor, John Fitch. While descending the Ohio river, and at the mouth of the Big Sandy river, the boat was fired upon by Indians who wounded two of the crew and killed a number of the horses and cattle with which the boat was laden. It is not related in the histories of that early period that the boat was captured and it is fair to assume that it, with its passengers and cargo, escaped. In 1786 Fitch is reported to have made an entry of lands in Nelson county for himself and also for others of the pioneer settlers. He was of an inventive mind and to him has been ascribed the invention of the first steamboat. James Rumsey, about the same time, that is in 1786, also successfully applied steam to the navigation of water craft. Rumsey claimed to have no knowledge of the invention of Fitch. In the eastern states, Robert Fulton was experimenting along the same lines and to him, whether justly or unjustly, is ascribed the invention of a vessel that was impelled by steam for the first time. It is not the purpose of this work to enter into the question of the priority of invention. Many pages have been written upon the subject which has never been definitely or satisfactorily settled. It is enough to know that John Fitch, a resident of, but not a native of Kentucky, did in 1786 operate a steam-propelled vessel upon the Delaware river. This vessel was propelled by paddle wheels, moved by a system of cranks. The boat which was sixty feet in length, made a successful trial trip developing a speed of more than seven miles an hour. During the three succeeding years Fitch built other boats, after the same model, which were run in a regular service between Philadelphia and Burlington at a speed of from four to seven miles an hour. Prior to this time, being like most inventors, a very poor man, he had petitioned congress and several of

the states for aid in the development of his invention, but had received no encouragement.

In his papers, examined after his death, was found the prophetic and pathetic statement: "The day will come when some more powerful man will get fame and riches from my invention, but nobody will believe that poor John Fitch can do anything worthy of attention." The correctness of this prediction has recently been shown in the presence of representatives of the navies of the world in New York bay celebrating the achievements of Robert Fulton, hailed as the pioneer inventor of the steam vessel. History is sometimes very unjust and occasionally unreliable.

James Rumsey, whose descendants yet live in Kentucky, was working on the problem of steam navigation concurrently with Fitch, though neither knew of the labors of the other. Rumsey's first boat was shown on the Potomac and made a speed of four miles an hour by ejecting water from the stern. He and Fitch acrimoniously contended for priority of invention, without any special addition to the knowledge of steam navigation. Who was right or who was wrong it is not the purpose to state here. But the principle invented by Fitch obtained and is followed in one form or another today, while that of Rumsey is accounted as one of the interesting experiments of inventors groping in the dark. Nowhere has it any practical application.

There was yet another Kentuckian whose invention has revolutionized the steel industry of the world, yet the honor and the profit has gone to another. In 1846, at Eddyville, Kentucky, Wm. Murray operated iron furnaces. He was probably the pioneer employer of Chinese coolie labor, having secured from New York, the services of ten of these people who, at that early day, numbered but few in the United States. Mr. Murray was thoroughly informed as to the chemistry of iron manufacture and was dissatisfied with the results obtained from his furnaces and began a series of investigations and operations which resulted in the transformation, by means of currents of air, of the molten metal into malleable iron or steel as he desired, a variation in the application producing the one or the other metal.



City Hall, Louisville

A description of the technical operations producing this important effect would be out of place in a publication of this character. It is enough to say that in the crude little iron furnaces down on the Cumberland river, where Wm. Murray and his ten Chinese employes had been making iron sugar kettles for Southern planters, there was discovered a process which makes possible the great steel bridges of our country and of the world and of the great "skyscrapers" which have done so much to disfigure our cities. Mr. Murray was remote from the great news centers; there were no fast mail trains in his day and but few telegraph lines. He was content to modestly go on with the work his hands found to do, and made no effort to advertise to the world the great discovery he had made. Others were less modest. English ironworkers, then the foremost manufacturers in that line in the world, came to Eddyville, observed the process Murray had discovered, predicted that it would speedily supersede all others and then went home to England. The result of this visit of inspection by these English iron-workers was that every foot of structural steel used in the world today is known as "Bessemer Steel," instead of "Murray steel" as it should be. Bessemer adopted the Murray methods as his own and patented them, notwithstanding that Murray steel was in use in the United States long before the name of Bessemer was ever heard of, either in England or the United States. Murray, at last aroused to the importance of the great discovery he had made, sought a patent from the United States, but lost precedence of Bessemer who secured a prior patent in England, it has been charged by having corrupted Murray's attorney in the United States. Murray, however, secured a caveat and a final hearing by the commissioner of patents, who decided that he was the real inventor of the new process and granted him a patent which expired in 1871, being then renewed for seven years all other applications for similar patents being denied.

Bessemer steel is known the world over; who knows aught of Murray steel? Robert Fulton is acclaimed as the father of steam navigation while John Fitch sleeps unhonored in a humble grave. The world is sometimes very unkind to those to whom it owes great debts.

At the disastrous battle with the English and Indians at Frenchtown, the details of which have been given, one of the gallant commanding officers of the Kentucky troops was Major George Madison who, with Major Graves, refused to surrender until the supply of ammunition was exhausted, and only then when the British General Proctor promised honorable terms and the protection of their men from Indian atrocities. Major Madison, by his gallant conduct on this and other occasions, had so endeared himself to the people of Kentucky that in 1816 they elected him governor of the state; Gabriel Slaughter, at the same time, being chosen as lieutenant governor. The gallant old soldier-governor did not long survive his civil triumph. After his death there was exciting discussion as to whether the lieutenant governor should succeed him, or a new election should be ordered by the legislature. This was finally decided in favor of the lieutenant governor and Slaughter became governor.

During the administration of the latter the most important question arising was the extinguishment of the Indian titles to that part of Kentucky lying west of the Tennessee river, steps to which end must be taken in connection with the United States government. The Chickasaw Indians had a valid claim to about seven million acres of land lying in Kentucky and Tennessee and between the Mississippi and the Tennessee rivers. This fertile body of land had never been included in any transfers covered by treaties with these Indians, and it was important that some definite

action be had by which the title could be taken over either the government or by the states of Kentucky and Tennessee. The United States in October, 1818, purchased this Indian land for $300,000, to be paid to the Indians at the rate of $20,000 each year for fifteen years. Kentucky's share of the land thus bought includes the counties of Graves, Calloway, McCracken, Marshall, Hickman, Ballard and Fulton, which have ever since been designated as "The Purchase." This is the only land in Kentucky for which any Indian tribe ever received compensation.

In 1822, Henry Clay, as a commissioner for Kentucky met Benjamin W. Leigh, a commissioner for Virginia, to decide certain points of difference that had remained open since the erection of the district of Kentucky into a state. Virginia claimed the right to locate on the Purchase lands bounty warrants for the officers and men of her state troops. All the questions remaining open between the two states were satisfactorily settled by Messrs. Leigh and Clay, the legislatures of the two states ratifying the settlement thus made at their succeeding sessions.

During the session of the legislature, 1817-18 forty banks were incorporated with a capital stock, on paper, of ten million dollars. These banks instead of redeeming their notes of issue in gold and silver, were, by the terms of their charters, permitted to redeem them in the notes of the Bank of Kentucky which, of all the banks in the state, was now on a specie basis. The new banks started the printing presses to running; immense numbers of their paper promises to pay were issued; everybody had money; therefore everybody was wealthy. These new banks were run in haphazard fashion. Some of them may have been controlled by men who knew at least the alphabet of finance, but most of them were not. Most of the officers meant well in the density of the ignorance of the basic principles of banking; some of them did not mean well except to the advantage of their own pockets which they managed to comfortably fill. Speculation was the order of the day. Money makes money; everybody had money, such as it was; why not make that money make more money? The shoddy banks made large loans to irresponsible borrowers who promptly lost them in speculation. When pay-day came, as it inexorably does come, they had no means by which to meet their obligations to the banks. There could be but one result—the banks went to pieces, few of them surviving more than a year; the others not beyond two years.

So great was the financial pressure brought about by this ill-advised adventure into the difficult field of finance by those who knew nothing of its intricacies, that the legislature at its session of 1819-20, extended the right to replevy judgments from three months to a term of one year. This appears to have been an absolute necessity. Everyone was in debt; no one had money with which to pay his debts. Ruin could be, at least, temporarily averted, by legislative action. But this was only temporary for in 1820, the demand for further relief was so great that a majority of the members of the state senate and house pledged themselves to measures which would bring relief to the great body of debtors whose burdens were too great to be borne. It would seem to reasonable persons that such lessons as this would have a lasting value. These new banks had flooded the state with their notes and within two years, not only the banks which issued them but the unfortunates who held them were bankrupt.

In 1868, and for several succeeding years, there was a great body of otherwise intelligent men in the United States who demanded that the United States should put its printing presses to work turning out "greenbacks" until every one had all the money he needed. This in larger form, was what had been done in Kentucky fifty years before, and had the sug-

gestion been adopted the United States and its people would have been bankrupted, as were most of the Kentucky people during their excursion into the realms of high finance.

In 1896, it was not the press which printed greenbacks that was appealed to, but the coinage press which stamped the half dollar's worth of silver and made it a dollar. That this should be done by the government, free of charge to any one and without asking the consent of any foreign government, was declared to be a panacea for all the financial woes of the people, especially, it may be added, for those who owned and operated silver mines. This plan, like that of the greenback theorists, failed of adoption, very happily for all concerned as it now appears. It has been said that every man is capable of managing a hotel or editing a newspaper. Remembering the wild theories of finance that have been advanced and advocated during the past forty-five years, one would be safe in adding to the would-be hotel keeper and the editor, the able financier who may be found on every street of the country's cities and at every cross-roads of the country's rural districts.

Returning to the situation in Kentucky, it may be stated that General Adair, the gallant old soldier, was elected governor in 1820. He approved of the acts of the legislature tending to the relief of the people. The independent bank charters were repealed in February, 1820; the Bank of Kentucky had suspended specie payments. Everybody wanted money; nobody had any.

The legislature of that day seemed as incapable as the legislatures of today. To the cry for relief, it responded by chartering the Bank of the Commonwealth at Frankfort, which should have a branch in every judicial district of the state. This bank was authorized to issue irredeemable notes to the amount of three million dollars. The capital of the bank was nominal, not real. It is scarcely necessary to note what happened. In a little while it took two dollars of its notes to buy one real dollar.

Judge Little in his "Life of Ben Hardin," says: "Almost everybody was in debt and a large proportion hopelessly so." Little further says: "Let it not be supposed that the legislative arm was idle in this emergency. It acted with as serene indifference to all constitutional, as of all financial principles. December, 1819, an act was passed by the legislature to suspend for sixty days all judicial and execution sales. February, 1820, the right of replevin was extended from three to twelve months. In cases of imprisonment for debt (then an existing remedy in a creditor's favor) prison bounds were extended to the limits of each county town. In December, 1821, imprisonment for debt was entirely abolished. The right of replevin was then extended from three months to two years, unless the execution creditor endorsed on the writ that notes of the Bank of the Commonwealth might be taken in payment. How this course of legislation would have culminated, if uninterrupted, can only be conjectured . When it had reached this point, it was suddenly arrested by the adverse decision of a circuit judge.

In a case arising in the Bourbon circuit court in 1822, Judge Clark decided the two years' replevin law unconstitutional on the ground that so far as it was retroactive, it impaired the obligation of contracts and thus violated the constitution of the United States. Wide and profound was the sensation produced by this decision, and the unlucky judge was regarded as little less than a public enemy. The legislature having been convened in special session for another purpose, rushed to the rescue. May 18, 1822, Mr. Slaughter, member for Warren, offered a resolution in the house of representatives stating in the preamble that Judge James Clark had rendered a decision "in contravention of the laws of the commonwealth," had grossly transcended his judicial

authority and disregarded the powers of the legislature. A committee was appointed to inquire into the decision of the judge and report. On the 21st, the committee reported after having read Judge Clark's decision in a newspaper. "The principles and doctrines assumed in this opinion," says the committee, "are incompatible with the constitutional powers of the legislative department of the government, subversive of the best interests of the people, and calculated, in their consequences, to disturb the tranquility of the country and to shake public confidence in the institutions and measures of the government called for by the condition and the necessities of the people."

Judge Clark was ordered to appear before the house and answer the charge made against him in the committee's report. He did not obey the summons in person, but sent the following answer in writing: "In pronouncing void a law that is incompatible with the constitution, the judiciary does not assume a superiority over the legislature. It merely affirms the paramount obligation of the fundamental rule. It announces only that the will of the people, as expressed in their constitution, is above the will of any of the servants of the people. The decision was given after the most mature deliberation which I was able to bestow and from a firm conviction of the principles there mentioned, and I must have been not only faithless to my conscience, but to the constitution of the United States and the dignity due the judicial office had I expressed any other opinion." ,

This seems a manly response; such a response as any upright and fearless judge might be expected to make, but it fell on thorny legislative soil and brought forth wrath rather than conciliation such as might be expected in a reasoning body of men. In the house an "address to the governor" was prepared and offered, directing that official to at once remove Judge Clark from office. A two-thirds vote of the house was necessary to the adoption of this address. Fifty-nine representatives voted for, and thirty-five against the address, whereupon it failed of adoption not having received the necessary two-thirds vote; but had three others joined with the fifty-nine affirmative votes, it would have been the duty of the governor to declare vacant the office of a judge who had made a just decision in accordance with the law and his conscience.

The only proper remedy against the decision of Judge Clark was an appeal to the court of appeals and this was taken. At the same time there was pending in that court an appeal from a decision of the general court which was composed of two circuit judges. In this case, the lower court had sustained the constitutionality of the stay law. The ablest lawyers of that day argued the pending questions before the higher court. It was not until October, 1823, when Judges Boyle and Mills in elaborate opinions, declared the relief law unconstitutional. It is not on record that the legislature attempted to "address" these judges from office. Judge Clark's decision had created consternation, but this was allayed in some degree by the opinion of the highest court in the state sustaining him. The ablest lawyers in the state, and there were many able men at the bar in those days, differed as widely as the poles on the question of constitutionality. The older lawyers of today are not a unit in support of the decision, and it still affords opportunity for discussion.

"Political party lines were abandoned in the storm that swept over the state when the decision was announced. Two new parties came into being almost momentarily. One of these, and apparently the stronger of the two, was unsparing in its denunciation of the court of appeals, the severest measures against that body and its individual members being threatened. The minority party, which sustained the court, was determined and yielded not an inch of ground on which it stood. The minor-

ity, strong in its sense of the correctness of the position it had taken, calmly bided its time, confident that when the fierce storm had run its course and calmer judgment had come to the people, right and justice would prevail and be accepted by the masses.

The appellate court at this time consisted of a chief justice and two associate justices. John Boyle was chief justice; Benjamin Mills and William Owsley were his associates; the three being very able lawyers and fearless judges."

Chief Justice Boyle, the elder of his associates, was in the prime of his intellectual faculties. He was a native of Virginia, born October 28, 1774, and when but five years of age was brought by his parents to Kentucky. He had received a classical education under the tutelage of the Rev. Samuel Finley, a Presbyterian minister. He studied law in Mercer county, under the direction of Thomas Davis, a man distinguished alike in law and politics, and in 1797 returned to Garrard county where his father had finally settled, and began the practice of his profession at Lancaster. In 1800 he was a member of the legislature, and two years later, a member of congress, to which he was twice re-elected, declining a fourth term. He served as governor of the territory of Illinois by appointment from President Madison in 1808-9. On his return to Kentucky, he was tendered and declined an appointment as circuit judge, and in April, 1809, was appointed an associate justice of the court of appeals. There was an interesting circumstance connected with this appointment. Governor Scott had appointed Ninian Edwards, associate justice of the court of appeals; the latter had made large investments in Illinois lands and desired to remove to that territory. Boyle did not enjoy the governorship and desired to relinquish it. Edwards saw a way out of the dilemma. He resigned the position of associate justice and Boyle resigned the governorship of the territory of Illinois. Thereupon, Boyle was appointed associate justice and Edwards, governor of Illinois territory, an unfortunate transfer of official duties for the latter, as he lost a large portion of his fortune through certain congressional legislation. In this day of hunger for office, it is doubtful if such a transfer of official duties could be made as readily as in this instance. Few politicians of today relinquish an office until there is more than an assurance that they will secure a better one.

In 1810, Boyle was made chief justice of Kentucky, a position to which his learning entitled him. A distinguished jurist of Kentucky, Judge Little, has declared him to be "in all respects the leader of his associates and a model judge of the old regime." And that is the highest praise that could be accorded any man. In the days of the old regime, men were judges and not politicians. There was not a judge upon the bench, high or low, in Kentucky in those days, who would have stepped down from his high estate, to dabble his hands in the dirty pool of politics, or to direct the movements of a party in a political campaign. Alas for Kentucky! Her people have lived to see a circuit judge leave the bench to assume the direction of his party in a political campaign, and a judge of the court of appeals, a lobbyist before a legislative committee. Verily, the times do change, and men change with them.

William Owsley, an associate justice, was born in Virginia in 1782. When he was but a year old, his father came to Kentucky and settled near Crab Orchard, in Lincoln county. He made the most of his meager opportunities for obtaining an education and seems to have been reasonably successful. He taught school, acted as deputy surveyor, and as deputy for his father who was the sheriff of the county. John Boyle, who was afterwards to sit with him on the bench, encouraged him to study law and entering the latter's office, he was in due time, admitted to the practice of

his profession in the courts of Garrard county, where he was immediately successful, Boyle being always his friend and faithful helper. He represented Garrard county in the legislature, in 1809 and 1811. In the meantime, he had been appointed by Gov. Scott, an associate justice of the court of appeals, but the legislature having reduced the number of judges of this court from four to three, he soon afterwards resigned. A vacancy occurring in 1813, he was again appointed by Governor Shelby. Those who opposed the decision of the court on the stay laws, charged Judge Owsley, as they had charged Chief Justice Boyle, with an adherence to the precedents of the English common law, inconsistent with its adaptation to litigation of a new country and a Republican form of government. Those not familiar with the administration of the laws, will understand that in the absence of a statutory provision, the common law still obtains in this country. But at the period in question the sentiment against England was so intense that not even its admirable system of common law procedure was acceptable to the masses. To them nothing good could come out of the English Nazareth.

Benjamin Mills, the third member of the court, was a native of Maryland, born January 12, 1779. He obtained his education at Washington, Pennsylvania, whither his family had removed, and afterwards studied medicine. He was for a time president of Washington Academy, afterwards known as Washington College and later and now bearing the high distinction of Washington and Lee University of Virginia. On the removal of his family to Bourbon county, Kentucky, he abandoned medicine and collegiate work, taking up the study of law, to the practice of which he was admitted at Paris in 1806. He soon established an excellent practice and for six years represented Bourbon county in the legislature. In 1816 he was defeated for a seat in the United States senate by three votes, his successful opponent being Isham Talbott of the same county as himself. In 1817, Governor Slaughter appointed him a circuit judge and in February, 1820, the same governor commissioned him a judge of the court of appeals to succeed John Rowan, resigned.

Judge Lucius Little, writing of this momentous period in the history of the state says: "Fortunately for the honor of the bench and the state, and the safety of the fundamental law, three men of more firmness, of greater intellectual and moral courage, or better fitted in all respects, to meet the issue forced upon them, never at one time adorned the bench of that Court."

"The judges," said the late Chief Justice Robertson, "were charged with arrogating by their decision supremacy over the popular will. Their authority to declare void any act of the legislature was denied. They were denounced by the organs and the stump orators of the Relief party as usurpers and self-made kings."

There sprang into existence in a single night, a full-fledged party, a mushroom growth, known at first as the Relief party and later as the New Court party, which was destined to a brief but tempestuous existence, though, for a time, by its sophistry and the demands of self-interest, it dominated all the affairs of the State. It is not difficult to understand why this should be so. The people were deeply in debt; they were honest people and wanted to pay their debts. They believed that the stay laws enacted by the legislature gave them an opportunity to do this and they viewed with little or no patience the decisions of the courts which interfered with their honest intent.

Years afterwards, when the panic of 1893 had deranged financial affairs and the masses were in debt beyond their power to pay, false prophets came preaching the free coinage of silver as a panacea for all woes of indebtedness and the people heard them gladly. These

were honest people, recognizing their obligations and desiring to discharge them to the last cent. When in 1896, a prophet appeared among them offering a silver dollar as the solution of their troubles they flocked to his standard and six millions of them declared pathetically at the polls, their desire to have the government set its mints to work, coining, without money and without price, the silver which should set them free.

It is a callous spirit, indeed, which can contemplate the helpless debtors of 1823 and of 1896, without a sympathetic feeling, however much he may differ from them as to the means to be adopted for their relief. Time has shown them to have been in error in each instance, but it will never show them to have been otherwise than anxious for some means which would enable them to discharge their indebtedness to the last penny. That in each of these eras, demagogues took advantage of the situation to advance their own political interests in no wise reflects upon the honest citizenship which they misled. There are more honest than dishonest people in the world and the final outcome of all questions of policy, is that the right will prevail at the final issue and that the demagogue will lose his hold upon the people whom he misled.

CHAPTER XL.

Relief Party and Leaders—Anti-Relief Party Leaders—Problems of Relief Party—A Policy of "Education"—Relief Party Wins Election—Legislated Out of Office—New Court of Appeals—Old Court Refuses to Die—Reign of Judicial Chaos—Old Court Party Wins—Sharp-Beauchamp Tragedy—Fall of New Court—Judges Boyle, Mills and Owsley.

In 1823, the Democratic and Whig parties were temporarily retired from the political stage in Kentucky, to be succeeded by the Relief and Anti-Relief parties, in which Whig and Democrat, erstwhile political foes, touched elbows in the ranks of one or the other of the new parties, forgetful of past differences and afire with the enthusiasm of the new alignment. A rehearing of the adverse decision of the court of appeals delivered October 8, 1823, had been asked for and denied.

After this denial, the ranks of the Relief party were closed up and the great struggle was on. When the legislature assembled in 1823, the discussion had been largely academic. Judge George Robertson, an Anti-Relief man, had been elected speaker of the house notwithstanding that the Relief party had an apparent majority of sixteen. A high authority has stated that "a month later such a thing would have been morally impossible." The scattering vote, the element in every legislature which does not quite know what it believes until it learns in which direction the majority wind blows, was consolidated into a compact mass and the Relief party was ready for active warfare, with a following more intensely partisan than the state had ever before known.

The greatest advocate of the Relief party was John Rowan, then a member of the house from Jefferson county. Rowan was a native of Pennsylvania, a great lawyer and advocate. He had been a delegate to the constitutional convention in 1799 from Nelson county; secretary of state under Governor Greenup; a member of congress for one term; five times a member of the legislature from Nelson county, and twice from Jefferson; and by appointment, a judge of the court of appeals in 1819, which position he had resigned in 1820. Col. John Mason Brown, a distinguished lawyer at the Louisville bar, at the time of his death, wrote of Rowan: "His magnificent presence, his rotund and mellow voice, ready and apt flow of speech and a manner that was at once noble and aggressive, gave him complete domination over the majority." He had no associate that was his equal in either learning or resource. Imperious and forceful, he stood towering above all his associates, ready, willing and equal to meeting every attack upon the cause which he espoused.

On the Anti-Relief side, there stood high among his associates George M. Bibb, a great lawyer, who had been the chief justice of the court of appeals and a United States senator. By his side, as able lieutenants, were W. T. Barry, Amos Kendall and Francis P. Blair, the former being lieutenant governor with the high qualities of a popular orator. Kendall and Blair, in later years, were to assume prominence as national characters. With

these, there stood, also Crittenden, Robertson, Green, Wickliffe and Hardin, the latter that distinguished Kentuckian who was later to be known in national, as in state affairs, as Ben Hardin, to whom John Randolph the eccentric Virginia statesman, applied the soubriquet of "Kitchen Knife," in recognition of his sometimes rude but always forceful attacks. It is claimed that Mr. Clay was in sympathy with the Anti-Relief party, but had in a private letter expressed the determination to take no part in Kentucky politics, his great mental powers being, at that time attracted toward national affairs.

The Relief party was prepared for action, but hesitated in deciding what that action should be. The appellate court had given its decision against the constitutionality of the relief laws already enacted by the legislature, and had refused to grant a rehearing. The legislature had attempted to "address" Judge Clark out of office and had failed. The people were in admitted distress, yet were conservative, and the masses had high respect for the courts. They desired relief; indeed, they were entitled to relief, but in what shape should it be offered them? A mistake upon the part of the majority in the legislature would be fatal, yet something had to be offered the people. What should it be, in what shape should it come? That was the great question confronting the Relief leaders. They had a majority but not a two-thirds majority, and hesitated at an attempt to "address from office" the judges of the court of appeals who had rendered the obnoxious opinion. Suppose they could procure the necessary majority and force these judges from office, whom would Governor Adair appoint in their places? He was a man who had nobly served his country in war and in peace. Unjustly or not, he had been suspected of sympathy with the projects of Aaron Burr. It is simple justice to say, even at this late date, that there was no more than a suspicion to that effect and never any proof. He seems entitled to something more than the Scotch verdict, "not proven."

Governor Adair was an old man; he adhered to the majority but kept on good terms with the minority. In latter day political phraseology, it is feared that the governor would now be accused of "carrying water on both shoulders."

The majority were afraid to proceed to extreme measures, while uncertain as to the action Governor Adair might take. They decided upon a policy of education for the people, showing them the errors of the appellate court and teaching them that all power rested in their hands and flowed from them at the polls to the men whom they selected to represent them, and that any executive or judicial interpretation contrary to the will of the legislative body "uprooted free government."

Mr. Rowan, probably the author of this theory and certainly its exponent, introduced in the house a preamble and resolutions, the latter covering less than one page, while the preamble required twenty-six for its complete setting forth. This was certainly a fair illustration of thundering in the index.

The concluding sentence of this voluminous protest which was probably not understood by one-half of those members who gave it their support was as follows: "The members of the legislature, while they admit the power of the court to declare any law unconstitutional and void which is obviously and palpably so, feel themselves reluctantly constrained by the most solemn obligations of duty—obligations of duty to themselves, to their constituents, to posterity and to the principles of rational liberty throughout the civilized world—to make their deliberate protest against the erroneous and usurping doctrines of that decision."

In other words, the legislature was called upon to usurp judicial authority and declare for itself what was or was not constitutional,

when a decision of the courts ran counter to its own opinions, though the constitution makes equal the Executive, Judicial and Legislative departments.

The resolutions, happily less extensive in form, were in keeping with the preamble, and denunciatory of the decision as "subversive of the dearest and most invaluable political rights," declaring if it were not reversed by the court, the legislature should withhold facilities for its enforcement and should also deny the agency of ministerial officers in propagating its eroneous doctrines. "The legislature," it said, "should repeal laws believed to be constitutional, when not expedient, not the courts." There followed the introduction of this revolutionary preamble and resolutions, a spirited and able discussion, but the opposition was of no avail, as they were adopted by the large majority which the Relief party now had in the house.

It was now important to educate the people into a belief that the preamble and resolutions were not only law but gospel. A state election was imminent and it was apparent that the political division would be upon the question of Relief.

The older political parties, at that day, had not adopted the now familiar practice of presenting political platforms. Political prejudice had hitherto been "a good enough platform until after election." Now, however, the Relief party had a platform in the preamble and resolutions drawn by Mr. Rowan and adopted by the legislature.

At the approaching election in 1824, a governor and other state officers were to be chosen. As has been stated, there were, for the time being, no such parties as the Whig and Democratic parties. In their stead, for the coming election at least, the parties were Relief and Anti-Relief. A distinguished gentleman of that day, writing of the situation, said: "I fear our state will undergo a degree of excitement and division of parties that may disturb it for years to come."

The Relief party named for governor, Joseph Desha, and Robert McAfee, for lieutenant governor; the Anti-Relief party nominated for governor Christopher Tompkins, and for lieutenant governor, W. B. Blackburn. The counties, contrary to the practice now prevailing, put forward their strongest men for the general assembly. The contest was a memorable one, and at the election, then held in August, the Relief party won. As is now the case, only half of the senate was chosen, the remaining half holding over from the previous session. That body stood twenty-two Relief and sixteen Anti-Relief. In the house, numbering one hundred members, sixty-one members were of the Relief party; thirty-nine, Anti-Relief. The popular vote for governor was as follows: Desha, 38,378; Tompkins, 22,499.

There were changes in the house membership, but it remained a very strong body. Mr. Rowan came back as a matter of course. The Anti-Relief party lost in numbers, but made some strong intellectual gains. James Simpson, who came from Clark county, was afterwards an able member of the court of appeals, as was Daniel Breck, who with Squire Turner, an able lawyer, represented Madison county. Henry Crittenden, afterwards a member of congress, came from Shelby; Robert Wickliffe from Fayette, and Ben Hardin and Ben Chapeze, from Nelson. Judge Little, who has known many legislatures, says: "Rarely has a legislative body averaged so well in talent."

When the legislature assembled November 1st, it was organized, of course, by the Relief majority, Robert J. Ward, of Scott, a new member, being chosen speaker.

This legislature, like its predecessor, seemed to believe in the value of preambles and resolutions, especially where they were of great

length and filled with high sounding phrases. The recalcitrant judges having failed to reverse their decision, or to resign, on the 20th of December a long preamble and resolution were offered in the house "addressing" the judges out of office, but this failed to receive the required two-thirds affirmative vote. The senate, foreseeing this result, had approached the subject from another angle, and on December 9th had passed a bill repealing all acts establishing the court of appeals and providing for its reorganization. The court of appeals was established by the constitution, but its organization was left to the discretion of the general assembly in establishing the number of judges which had long since been done. The appointment of the judges was by the governor, "by and with the advice of the senate." The house consumed three days in the discussion of the senate measure. The debate was able and spirited, the great Ben Hardin consuming a great part of the time in an able legal argument against the senate measure. There was great tumult and disorder in the house. The governor, contrary to precedent, was on the floor in the interest of the senate bill. It would be impolite to accuse so exalted a human being as a governor of lobbying. The late Chief Justice George Robertson said that "the scene resembled a camp meeting in confusion and clamor but lacked its holy impulses." The bill passed without difficulty and was approved by the governor. Whether or not it thus became a law was to be determined later.

The court of appeals having, for the time being, been supposedly legislated out of existence, Governor Desha on January 10, 1825, appointed as chief justice of the New Court William T. Barry, and as associate justices, James Haggin, John Trimble and Benjamin W. Patton. On the death of Patton which occurred soon afterward, Rezin H. Davidge was appointed to succeed him. Barry was distinguished as a criminal lawyer, but is reported to have been under disadvantages as a judge. Haggin was a prominent member of the bar of Lexington, where he had an extensive practice. Violent assaults were made upon his private character to an extent which caused him to profess fear of assassination. Trimble was the brother of Robert Trimble, who died as a justice of the supreme court of the United States. John Trimble had been secretary for Robert Evans, when the latter was governor of Indiana territory, and had studied law in the office of George Nicholas, of Lexington. He practiced law at Paris from 1807 to 1816, when he was appointed circuit judge, and removed to Cynthiana. In the heat of the contest between the Old and New Court adherents, his ability was questioned, but that is nothing new in partisan politics. Of Davidge nothing is known beyond the fact that he was apponted to the New Court to fill a vacancy caused by the death of Patton.

It is the consensus of opinion among unprejudiced lawyers, that the New Court in no wise measured up to the ability of the members of the Old Court, whom the legislature had voted out of office. The governor might have gone further and appointed a far abler court, as political acumen would have prompted him to do. The ablest man in the Relief party was John Rowan, who not only was a leader of his party in the legislature but a great power before the people. He was removed from the position of leader by the enthusiasm of the members of his party in the legislature who elected him to the United States senate. At once the Anti-Relief, or Old Court party, claimed that his entire action had been prompted by personal ambition, and that instead of being the tribune of the people as he had professed, his ambitious gaze had all along been fixed upon a seat in the senate. This was an injustice to Rowan. Kentuckians are an impressionable people. They had seen Rowan making a brave fight

in the legislature for what they deemed their best interests, and it is probable that the election of no other man in the state would have given the majority greater pleasure than did that of Rowan. Then, too, he was a man of ability, equal to any demands that might be made upon him in the high forum he was about to enter. But his advancement was a severe blow to his adherents, who speedily felt the loss of their spirited and accomplished leader.

When the New Court assembled, Achilles Sneed, clerk of the Old Court, refused to surrender the records of the office. Francis P. Blair, afterwards to be of wide national prominence, was appointed clerk of the New Court and took forcible possession of the records, bloodshed being only averted by the council of cool heads. The grand jury of Franklin county indicted the judges and officers of the New Court for this offense, but nothing ever came of the indictment. The high feeling of the moment found vent through the grand juries of several counties, which indicted the members of the legislature for passing the act of reorganization. If half the energy brought into play on the two sides of this controversy had been devoted by the excited people to the advancement of their own personal interests many of them would have been enabled to discharge their indebtedness and have no need of relief.

Everywhere there was discord. Madison C. Johnson, later an eminent lawyer and financier, was for some time denied admission to the bar of Woodford county, because his license to practice law was signed by Judges Owsley and Boyle of the Old Court. Judge Bledsoe, of the Woodford circuit court, finally admitted him to practice, waiving the alleged irregularity of his license. Throughout the state meetings were held, some approving, others disapproving the action of the legislature. The members of the Old Court issued an address to the people; Sneed, the clerk of the court, and the minority of the legislature followed suit. Pamphlets for the one side or the other were issued in accordance with the custom of that day, and the newspaper columns bore more of discussion than of news. Charges and counter-charges were the order of the day. Barry and Haggin had to endure assaults upon their personal integrity. Mills was charged with acting as appellate judge in a cause in which he had appeared as council before his advancement to the bench. Barry, after his appointment but before taking the oath of office, had defended the son of Governor Desha, who was charged with highway robbery and murder. All these charges and scores of others were repeated, enlarged upon and discussed with bitterness from one end of the state to the other and almost a state of anarchy existed. It is doubted if the days of 1861-5, when the War Between the States was raging, were more filled with bitterness than were the days of this Old and New Court contest.

The Old Court remained open for the performance of its official duties and to it some brought their appeals, while others went to the New Court. No one knew what the final outcome would be; no one knew to which court appeals for an adjustment of real or imagined wrongs should be made. Men who had no business before the courts, and who probably never would have, were wrought up to the same high state of feeling as the men whose interests amounting to many thousands of dollars were involved. Those in charge of estates involved in litigation were in sore straits, knowing not whether to turn to the New or to the Old Court. Such a condition of affairs could not safely be endured for a long time. Some wise man has said that when affairs become very bad they right themselves. Certainly they were in a very bad state now in Kentucky and that they should be speedily righted was the great demand of the hour.

The end was rapidly approaching. At the

legislative election held in August, 1825, sixty-five Old Court and thirty-five New Court representatives were chosen. The senate was evenly divided, as only one-half of its members were chosen at the biennial elections. The majority party had sent its strong men to the general assembly.

The body convened November 7th, in the midst of the greatest excitement Frankfort had ever known to that date. Solomon P. Sharp, attorney general of the state, had been elected to the house from Franklin county after a spirited and exciting contest. He was an able and successful lawyer, personally very popular, and it was hoped by his friends that he would be chosen speaker. On the night of November 6th, Colonel Sharp was called to the door of his residence in Frankfort and stabbed to death by the hand of an assassin.

The house met, oppressed with gloom. The pitiful animosities of political life were forgotten for the time. George Robertson was chosen speaker without opposition, and the house immediately adopted resolutions requesting the governor to offer a reward of $3,000 for the arrest of the assassin. Other resolutions were also adopted to the effect that "the legislature and the state of Kentucky were called on to mourn the loss of one of their ablest and most distinguished citizens."

Jeroboam Beauchamp, a young lawyer of Warren county, was arrested and charged with the murder; was indicted, convicted and sentenced to death. Beauchamp charged that Sharp had maintained improper relations with his wife. After his conviction and but a short time before the date set for his execution, Beauchamp and his unfortunate wife attempted suicide. The wife was successful, but Beauchamp's attempt failed and soon afterwards, while still in a half conscious state, he was executed.

After the excitement of these tragic events had partially subsided, a bill was offered and passed in the house repealing the reorganization measure. In the senate there was an equal division of the vote, whereupon Lieutenant Governor McAfee voted in the negative and the bill was lost. Subsequently, under a joint resolution of the two houses a committee of six was appointed "for the purpose of conferring and devising such practical measures as to them shall seem most expedient, in order to settle the difficulties in relation to the Appellate Court." This committee and others appointed for a like purpose, played politics rather than patriotism with the result that nothing came of their deliberations. The legislature completing its term, adjourned leaving the legal business of the people in the same chaotic state in which they found it on assembling.

The New Court sat during the spring and a part of the fall term of 1825, discontinuing the decision of causes in October, though it continued its sittings for some time afterward. After the legislature convened in November, Mr. Blair, clerk of the New Court, closed his office and refused to surrender the records or to permit litigants or their lawyers to have access to them. The house adopted a resolution declaring it to be the sense of that body that the sergeant of the Old Court should recover the records and deliver them to the latter body. Blair, upon learning of the adoption of this resolution, placed an armed force in his office. The sergeant of the Old Court did not call upon Clerk Blair. The legislature after considering the situation for six weeks, adjourned and went home. But before doing this the majority in the house issued a flamboyant address to "The People of Kentucky" in which they threshed over the old straw of the Old and the New Court controversy, concluding as follows: "On you hangs the fate of the constitution. Having done all that we could, we submit the issue to God and the people." This address is believed to have

been written by the speaker, George Robertson.

At the election of a new legislature in August, 1826, the final blow was struck against the New Court, a decided majority of members of each house being chosen favorable to the Old Court. During the following legislative session an act was passed declaring in full force and effect all acts pretended to be repealed by the reorganization acts. Governor Desha vetoed this bill, but it was passed over the veto by the necessary majority and became a law, the governor's objections to the contrary notwithstanding, December 20, 1826.

Mr. Blair capitulated; his army laid down its arms, the records of the office were surrendered to the constituted authorities of the Old Court, and the New Court passed out of existence after a stormy and by no means beautiful life. During its brief and tempestuous existence the New Court rendered seventy-two decisions. These are preserved in second Ben Monroe's Reports. These decisions are not relied upon by lawyers in their practice. The Old Court was sitting after December, 1825, though the repealing act was not passed for a year afterwards.

It is interesting to note that in August, 1826, when the death-knell of the New Court was sounded by the people at the polls, Judge James Clark, whose decision declaring the relief laws unconstitutional, had caused the long and bitter conflict, was elected to congress, thus adding a bitter note to the blow which ended the existence of the New Court.

Of the judges connected with this unexampled condition, Judge Boyle resigned as chief justice, November 8, 1826, to become federal judge of the district of Kentucky, which position he filled with great honor until his death January 25, 1835. Judge Robertson, one of the greatest judges the state has ever known, said of him: "As a lawyer he was candid, conscientious and faithful; as a statesman, honest, disinterested and patriotic; as a judge, pure, impartial and enlightened; as a citizen, upright, just and faultless; as a neighbor, kind, affable and condescending; as a man, chaste, modest and benignant; as a husband, most constant, affectionate and devoted." The extravagant style of expression at that day was exhausted in this eulogium of Boyle.

Judge Mills remained in office until 1828, when he resigned to resume the practice at Paris, where he was sucessful. He died December 6, 1828, from a stroke of apoplexy, thus depriving the state of one of its ablest sons who ever sought the good of the majority.

Judge Owsley retired at the same time with Judge Mills.

Though the New Court had passed out of existence, its influence yet remained. National politics had been injected into state affairs. Judge Little, in his "Life of Ben Hardin," says Duff Green, in a letter dated Louisville, September 6, 1826, and addressed to Governor Ninian Edwards of Illinois, says: "The Old and New Court question is already lost in this state. The New Court men, with scarcely an exception, are for Jackson, and the strong men of the Old Court party are more than divided in his favor. Why the New Court men took refuge as a body, under the banner of the 'Old Hero,' is one of those political problems for which many reasons can be given, yet none with entire assurance." A quarter of a century later, during the discussion attending the propositions for the constitutional convention of 1849, it was observed by an intelligent writer that "the political parties in the state took the form and organization which they have retained with little variation ever since, in the fierce and bitter struggle growing out of the attempts of the legislature to interfere with the contracts of individuals and the firm resistance of the courts to this interference. Whatever names parties may have worn since then, whatever

questions may have agitated or excited them, the lines then drawn have never been obliterated and never will be. They are the eternal lines which distinguish the great antagonistic principles in society, which divide the constitutional conservative on the one side from the Jacobin and the Radical on the other."

CHAPTER XLI.

Clay or Jackson—Clay's Political Blunder—The Making of Jackson—"The Man on Horseback"—Pathetic Death of Whig Party—Wild Banking in Kentucky—Baseless Paper Money: Boundless Speculation—Cry for Relief Answered.

A presidential election was now impending and it was expected that President Adams would succeed himself. If Adams were not his own successor, it was expected that Henry Clay would be chosen in his stead.

Clay had represented his country with great honor at Ghent when the treaty of peace with England had been arranged. He had a brilliant career in congress, unequalled by that of any other man; as speaker of the house he had acquitted himself with credit. His talents and his patriotic devotion to his country, were everywhere acknowledged. He had held the position of secretary of state which, for years, had pointed to the presidency. Yet across his path to that high honor there stalked the grim figure of Andrew Jackson.

The people of the United States, peace-loving as they are, have always had a warm spot in their hearts for the successful soldier. The east, then as now, considered no man from the west as its equal. The man whose ancestors had not set foot upon Plymouth Rock was not to be considered in the selection of a president. Jackson was a plebeian, a North Carolina mountaineer, and, though he had won the great victory at New Orleans, he was not to be considered as a possible president. Henry Clay, a Virginian, not an aristocrat by birth, but an able man by reason of intellect, made an appeal to them which Jackson could never do. Adams was elected president by the house, but the vote of Mr. Clay for Adams in the house sounded the death knell of his presidential hopes. Either he should win in 1828, or Jackson should take the prize.

Of the campaign in that year, Judge Little reports Baldwin as saying: "The election of Adams by the house of representatives was turned to account with all its incidents and surroundings, with admirable effect by General Jackson. No one now believes the story of bargain, intrigue and management told upon Adams and Clay, but General Jackson believed it and what is more, made the country believe it in 1825. Adams was an unpopular man, of an unpopular section of the country. Crawford's friends were as little pleased as Jackson's with the course affairs took. The warfare upon Adams was hailed by them with joy and they became parties to an opposition of which, it was easy to see, Jackson was to be the beneficiary."

Clay's ambition, or incaution, betrayed him into the serious and as it turned out, so far as concerns the presidency, the fatal error of accepting office, the first office, under the administration which he called into power. It was in all political respects, an inexcusable blunder. The office added nothing to his fame. It added nothing to his chances for the presidency. He was, on the contrary, to share the odium of an administration at whose head was a very obstinate man of impracticable temper, coming by a sort of bastard process, into office, bearing a name which was the synonym

of political heterodoxy and whose administration was fated to run a gauntlet from the start to the close, through a long lane of clubs wielded by the Forsythes, McDuffies, Randolphs and almost the whole talent of the south.

Mr. Clay was a statesman and an absolutely honest man. He made a mistake in voting for Mr. Adams and but for that mistake, he would, soon or late, have been president of the United States. He was not a mere politician; had he been, he would have played the game differently. He might have voted for Crawford, who was not likely to live until the next election. But Clay placed himself alongside of those who supported Mr. Adams and brought about the latter's election. The opposing forces of that day charged Mr. Clay with corruption. Time softens the asperities of politics and today there is none to believe that Mr. Clay was corrupt. The worst that can be said, is that he made a mistake in accepting a position in Mr. Adams' cabinet. Mr. Clay's place was in the senate, and there he should have remained. No greater senator has held a seat in that body—not Webster; not Calhoun; no man was greater there than Henry Clay.

A historian of that period has written of the attacks upon Mr. Clay and those who believed with him: "Those assaults were not slow in coming. The public mind had been fallow for some years, and was prepared for a bountiful crop of political agitation. Jackson raised the war cry and the hills and valleys all over the land echoed back the shout. A lava-tide of obloquy poured in a flood over Clay. It seemed to take him by surprise. The idea that his voting for Adams and then occupying the first office in his gift, seconded by the supports which the hypotheses of 'bargain' found, or were made for it, should originate such a charge, seems never to have entered his imagination, and when it came he had the weakness to attempt to strangle it by personal intimidation or to avenge it by violence.

"The election of Adams under such circumstances, was the making of Jackson. It filled up his popularity. It completely nationalized it. The States Rights party, to whom the name and lineage of Adams were enough for opposition, turned at once to the man who could best defeat him and saw at a glance who that man was, and the popular sympathy was quickly aroused in behalf of the honest, old soldier, circumvented by two cunning politicians."

In 1832, Mr. Clay was again a candidate for the presidency, but was defeated by General Jackson, who had been referred to in preceding campaigns as "the honest old soldier, circumvented by cunning politicians." If history were a place for jokes, this would be a point where one could be interjected. The idea of Andrew Jackson being circumvented by cunning politicians is calculated to cause a smile wherever the actions of that sturdy old soldier are known. What he did not know about the practical side of politics it was worth the time of no man to learn. Mr. Clay possessed the politician's hatred for General Jackson and when each of them had passed from the arena in which their lieutenants had bravely struggled, they left a heritage of hatred which did not die for years. How pitiful is this bitterness of politics. Men who stand shoulder to shoulder in business affairs; who entrust thousands of dollars to each other without a written word to witness the transaction, profess not to believe in the honesty of their political opponents and can find no words which properly define that distrust. It is sickening and disgusting to know that this is true, and the writer of these words is glad to know that he has reached an age when he can give to political friend and political opponent an equal meed of praise. The man who cannot do so, is a man who puts political place and power above political decency. The masses

of mankind are personally honest and the man who arrogates to himself and those who join in his beliefs, all the honesty and relegates to the opposition all the dishonesty of political belief, is a man who should be constantly watched because he is not a good citizen. The division of political parties in our country is too nearly equal for all the good men to belong to the one party, all the bad men to the other.

The Whig party in Kentucky, which had supported Mr. Clay with an enthusiasm rarely equaled, felt very bitterly the effects of defeat. He was the idol of his party and justly so. No greater man had led a party to victory or defeat than he. Not the solid Republican phalanx which in after years, stood like a stone wall by the side of Mr. Blaine, the favorite son of his party, was more earnest than the men who aligned themselves by the side of Mr. Clay and who, time after time, went down to defeat with Kentucky's favorite son. The Whig party maintained its organization in Kentucky but to do so, it must maintain a constant struggle. The seeds of dissolution had been sown and it was not long until they would blossom into full fruitage and the party cease to be. It only remained for Mr. Clay to pass from the field of action when there should be no Whig party in Kentucky or elsewhere.

Jackson was the hero of the moment. The people of the United States have never feared "the man on horseback." To the contrary, they have always advanced him to high executive position. Mr. Clay did not recognize this fact. He claimed that the people should distrust the military chieftain, whose election to high position was dangerous to the safety of the government. The people thought otherwise. They elevated to the presidency—Washington, the Father of his Country, who was nothing if not a soldier; they put into power later, Harrison, Taylor and Grant, the latter long after Mr. Clay had passed away; and under none of these did the republic suffer. "The Man on Horseback," may prove a shibboleth for the opposition, but he can never disturb nor distress the republic, whether successful or not in his efforts to reach the presidency. Mr. Clay, though of humble birth, was, in the end, a patrician. He could never abide the low-born Jackson and after the success of the latter, he is found writing to a friend: "The military principles have triumphed and triumphed in the person of one devoid of all the graces, elegancies and magnanimity of the accomplished men of the professions." But it was not then as it is not now, a wise thing to underestimate the power of one's adversary. Jackson was president and president he was destined to be for eight years, during which by a skillful use of the tremendous power of the presidency, he built up a party which the opposition could not successfully assail and which gave to him the opportunity to name his successor in the executive office.

Mr. Clay, though the idol of his party, and justly so, was compelled to bide his time, awaiting new opportunities and by the irony of fate new defeats. The Whig party in Kentucky awaited with Mr. Clay, the coming of the day when it should come into power, ever hopeful; ever doomed to defeat. It had no part in the control of the affairs of the government; it had a high disdain for those who controlled national affairs; it was the aristocrat of politics and looked with disdain upon those who enjoyed the loaves and fishes which it imagined belonged by divine right, to itself. It was dying not slowly but swiftly and did not know it. There came a few years afterwards the dreadful war which separated our people and among other ideas which were definitely settled by that contest were the questions which the Whig party had deemed its own, and which were no more to be considered by the people of Kentucky. It was not slavery alone which that contest definitely set-

tled; it was a new alignment of political parties and the old Whig party was not among them, because it was dead. There was something pathetic about its demise, chiefly because it did not know that its end had come. For years after the war had closed, there were sturdy old aristocrats who voted the Democratic ticket, explaining meanwhile, that they had to do so, not that they were Democrats, but that they were not Republicans and had to vote against some one. It is pleasant to remember these sturdy old gentlemen today. They remind us of the ruffle-shirted, knee breeches era and one can easily see them going to the polls and voting for Mr. Clay, after that great statesman had passed to his reward; even as the Democrats were charged with voting for General Jackson years after he had been gathered to his fathers.

It would be pleasant for the historian of this period to cease to consider the Old Court and New Court question, but it was not to be disposed of, though the latter had met its deserved end. It was to mingle, in some degree, with the politics of Kentucky for some years yet.

The Commonwealth's Bank and the replevin laws which were a part of its history, were doomed to destruction by the triumph of the Old Court party. The replevin laws were repealed, and the bank was destroyed by successive acts of the legislature directing that its paper should be gradually destroyed instead of being reissued. In a few years, all of its issue had disappeared from commerce and in its stead, the issue of the United States Bank was accepted. This latter bank had two branches in the state, one at Louisville, and the other at Lexington. Jackson and the party which stood behind him, had for their object the destruction of this bank, and when Jackson was re-elected president in 1832, the end of the bank was near. No one expected its charter to be renewed, and in its stead state banks were to be established throughout the Union to supply its place.

In 1833 and 1834, the legislature established the Bank of Kentucky, the Bank of Louisville and the Bank of Northern Kentucky; the first with a capital of five millions, the second with a capital of two millions and the third with a capital of three million dollars.

The usual result followed this multiplication of banks and the enormous increase of capital. Paper money was everywhere to be had and the wildest spirit of speculation dominated the country. Prices of the commonest commodities rose to high figures, and the different municipalities, even the states, embarked in enterprises on the most gigantic scale. The people went mad in speculation. Not the tulip excitement of Holland was greater than that which sent the people into the stock market, mad with the desire for the sudden accumulation of riches. Where men had not money, they borrowed it at ruinous rates. Railroads, canals, slack water navigation, turnpike roads, any and everything that looked like public improvement, caught the popular fancy and the people, gone mad with the idea of great riches speedily to accrue, put into these schemes every dollar they could borrow and calmly sat down awaiting the flow into their coffers of endless riches. There could be but one end to this wild scheme of investment with no solid backing behind it.

In the spring of 1837, all the banks of Kentucky suspended specie payments and the end was near. Kentucky was spending one million dollars annually in the construction of turnpike roads, the improvement of water ways, and was looking to the early construction of railways. The people, vainly imagining that the plenitude of money was to be continuous, were involved in speculations heedless of the day of settlement. There was near them a day like that which had brought about

the relief agitation of the recent years, yet they halted not but continued their financial operations based upon imaginary capital as though the day of settlement were never to come. They seemed then to believe that the printing press would issue paper for their redemption, as many years later their descendants were to imagine themselves rich men, if only the mints would coin silver dollars as fast as their demands were made.

When the legislature met in 1837, it made legal the suspension of specie payments; refused to order the banks to resume such payment, and also refused to declare forfeited their charters. In other words, it gave the banks carte blanche to continue as they had been and left the people to suffer. The banks and the people minimized as much as was within their power, the crisis which was upon them. This gave temporary relief only. There was no specie available for any purpose. There were issued by towns, cities and individuals small representatives of currency which had no value beyond its immediate place of issue. In later years, like small currency was issued by the United States and was known as "shinplasters," and which served a very useful purpose.

In the midst of the crisis of 1837, the banks were managed with prudence, and forbore to press their creditors. In the latter portion of 1838, they cautiously begun the resumption of specie payments and as this spread throughout the United States, confidence was again felt and speculation was resumed, the apparent prosperity causing many to believe that there was no longer a panic to be feared.

But there was not yet a firm foundation for financial prosperity. In the latter months of 1839, specie payments ceased to be made by all except a few eastern banks. Bankruptcy started the people in the face. Many states could not pay the interest upon their bonded indebtedness. Kentucky added fifty per cent to her direct tax to avoid defaulting upon her general indebtedness. In 1841-42, she was no longer able to postpone the day of reckoning. Her courts were congested with suits filed for the collection of private indebtedness. Property was being sacrificed under forced sales on every hand.

The people, willing to pay, anxious to pay, were unable to do so, and once again the former cry for relief was heard. Regardless of the failure of the past, the harassed debtors made a demand for a Bank of the Commonwealth which should offer them a way of relief, permit them to meet their indebtedness and save for their families the property they had accumulated. It is characteristic of the debtor class that they seize upon every device that is offered and recognize in each, the panacea for all their financial woes. It was so in 1896 and will be so as long as men owe more than they can pay.

In the elections of 1842, the old Relief party found itself again to the fore but only temporarily so. The legislature when assembled, rejected the measures offered by the Relief party having learned something by experience. But concessions were not denied and the more reasonable of the members of that party agreed to these and there was a practical adjustment of conditions. Certain terms of the circuit courts and of the magistrates' courts, were for the time being discontinued, in order that judgments might not be had against helpless debtors. The banks were required to issue more money and to give longer accommodation on their paper. Gradually business became more settled and by 1844, affairs had assumed practically their normal condition.

CHAPTER XLII.

INTERNAL IMPROVEMENTS—PUBLIC ROADS— RIVER IMPROVEMENTS—OHIO CANAL—FIRST RAILROAD WEST OF ALLEGHANIES—BREATHITT'S "JACKSONIAN ADMINISTRATION"—SPECULATIVE BUBBLE BURST—HARRISON ELECTED PRESIDENT—CLAY AGAIN DEFEATED.

There was a new subject now to hold the attention of the people of Kentucky. They had agonized under the weight of debts which they were unable to pay, and no people suffer greater from such a burden than Kentuckians. They enjoy being rich and having all that riches imply, but they do not enjoy being rich while owing money to other people. They desire that which is justly coming to them, but they desire more than all else that those to whom they owe money shall have it paid in full. There was a man in Louisville in those days who was unable to meet his obligation, and who was forced into bankruptcy. He kept a strict account of his indebtedness, and when better days came to him and he had accumulated a fund sufficiently large to discharge his entire indebtedness with interest added, he called together his creditors and paid every one of them in full, principal and interest. The creditors who had no right to expect anything from the bankrupt house, tendered a testimonial to their debtor and it stands today in the business house of his honored sons as a tribute to the honesty of William Kendrick.

The question of internal improvement now became paramount in Kentucky. There was so much which needed to be done and so little assistance which the counties could do. They were forced to look to the state, however much many persons might object to the state becoming a party to internal improvements. There were no railroads in these early days, and the best that could be done in the improvement of transportation was the turnpike road. Perhaps the first concessions for the construction of these roads was in 1802, when certain persons were authorized to construct and maintain turnpikes on the road from Cumberland Gap to Crab Orchard, from Paris to the mouth of the Big Sandy, and other less important lines. In December, 1826, Governor Desha advocated the extension of state aid to a highway from Maysville, by way of Paris, Lexington and Frankfort to Louisville, and, in addition, other lines of less importance. The first mentioned line was constructed and is yet in use, being known by the old surviving residents of its earlier days as the State Pike.

Governor Desha, while having constantly in mind, the value of internal improvements, did not forget the important feature of common schools. In one of his messages he said: "The subjects of common schools and internal improvements may be made auxiliary to each other. Let the School fund now in the Bank of the Commonwealth, $140,917, the proceeds of the sale of vacant lands, the bank stock held by the State, $721,238, and all other funds which can be raised by other means than taxes on the people, be vested in the turnpike roads; and the net profits from tolls on these roads be sacredly devoted to the interests of education."

Smith, in his "History of Kentucky," says of this era in the State:

"In May, 1827, the Maysville and Lexing-

ton Turnpike Company was incorporated anew, with a capital of three hundred and twenty thousand dollars. The general government was expected to subscribe for one hundred thousand dollars and the state gov-



Court House in Maysville, Constructed in 1840

ernment for another hundred thousand dollars of this. The secretary of war ordered the survey of a route for a great national highway from Zanesville, Ohio, through Maysville, Lexington, Nashville, Tennessee, and Florence, Alabama, to New Orleans. In February, 1828, the legislature of Kentucky recommended congress to facilitate and aid the construction of this important national highway and instructed the Kentucky representatives in congress to support the measure. The bill passed the house but, by the coincidence of a very close vote, it was defeated in the senate by the unfortunate vote, in opposition, by Senator John Rowan of Kentucky, and at a time when President John Adams would readily have signed it.

"The total amount expended on the permanent improvement of navigation on Green and Barren rivers to Bowling Green, requiring four locks in Green and one in Barren, was $859,126. From 1843 to 1865, twenty-two years, thirteen annual dividends were paid out of the tolls on these rivers, yet, on the whole, the expenses were $269,813 against $265,002 of receipts, showing a total excess of $4,811 of expenses in twenty years. In the report of 1844, the board of internal improvement asserted that the works on Green river cost the state five times the estimate of 1833, and on Kentucky river, three to four times the estimate. The average cost per mile on Green river was $5,010, against the estimate of $1,283 for one hundred and eighty miles or nearly four-fold. Surveys and estimates were made for Rockcastle, upper and lower Cumberland, Goose Creek, and north fork of the Kentucky river, Salt, Little and Big Sandy, Licking and other rivers of less note.

"In 1836, the estimated cost of seventeen locks and dams, after a survey from the mouth to Middle Fork of the Kentucky river, and on two hundred and fifty-seven miles of channel route, was $2,297,416, or an average of $8,922 per mile. But five of the locks and dams were completed, from the mouth of the river to Steele's ripple above Frankfort. The gross receipts of Kentucky river navigation from 1843 to 1865, twenty-three years, were $461,781, against a total of expenditures of $303,707, leaving a net revenue of $158,074, making an average annual dividend of three-fourths of one per cent on the invested capital.

"Another enterprise of national importance quite early commanded the attention of the

Kentucky legislature. In December, 1804, an act was passed incorporating the Ohio Canal Company, designed to construct a canal from Louisville to Portland with capacity to pass all boats by the Falls. The charter was afterwards amended, requiring the canal to be cut on the Kentucky side of the river, making it real estate and exempting it from all taxation forever. The governor was directed to subscribe for fifty thousand dollars of the five hundred thousand dollars stock capital, with an option for fifty thousand more. Other options were given for the United States to subscribe sixty thousand dollars; Pennsylvania and Virginia thirty thousand dollars each, and Maryland, New York and Ohio, twenty thousand each. Subsequent legislation provided similarly for this work, without practical results, until 1826, when Governor Desha, in his message to the legislature, called attention to the urgent necessity, and value of this work, both for its pressing utility and the value of the investment as a pecuniary resource. In this same year, congress ordered the purchase of one hundred thousand dollars of the forfeited stock. As many as one thousand men were employed during the summer and fall of 1826. Various interruptions and changes retarded the completion of the canal, until it was finally opened for navigation in 1831. The entire cost of construction to January, 1832, was $742,869.

"Until January, 1840, the reports of dividends showed that the investment was richly remunerative to the stockholders. In 1838 and 1839, the dividends reached fourteen and seventeen per cent, and, in the interim stock sold as high as $120 and $130 per share. The United States government, in 1842 owned 29,002 shares of the stock of the par value of $290,000. After this year, no dividends were declared, the net earnings up to 1859, being appropriated to the purchase of stock owned by private individuals which was held in trust by the directors. After 1859, the income was expended in the enlargement and improvement of the canal, or held to create a sinking fund to pay off the bonds issued to aid in enlargement. In 1866, this extension work stopped for want of funds, after $1,825,403 had been expended, making the total cost to February, 1868, $2,823,403. The cost of completing the enlargement on the scale projected, was estimated by the engineer in charge, to be $1,178,000. The city of Louisville and the state, having declined to embark more funds in the enterprise, the ownership and control gradually fell to the general government, which from 1868 to 1872, appropriated $1,300,000 to the proposed completion. In 1874, it took final action toward assuming the payment of $1,172,000 of bonds outstanding, another assumed possession of this great and important work, making it henceforth, a free canal excepting small charges to meet repairs and provide proper attention. In later years, the government has not only added to the capacity of the canal, but has constructed dams across the river to the Indiana shore which have materially added to the advantages of the navigation of the Falls. A series of dams now in process of construction throughout the length of the river is expected to insure continued navigation during all the year.

"The Falls of the Ohio around the canal have a length of about three miles, while the canal is about two miles long. The fall of water in this distance is twenty-five and a quarter feet, sufficient, if utilized, to run three hundred factories and mills and thus support fifty thousand people, and which, in a great manufacturing section, would doubtless have been utilized years ago and made a source of vast industry and wealth."

The first railroad constructed in the United States was the Baltimore and Ohio which was chartered in 1827. It was completed to Cumberland, Maryland, before 1848 and to the Ohio river by 1853. The first railroad built west of the Alleghany mountains was

that from Lexington to Frankfort. In March, 1830, Joseph Bruen exhibited in Lexington the model of a railroad steam engine and cars, declaring that they could be as readily propelled by steam power as could boats upon the water. A route was surveyed from Lexington to Frankfort which showed the altitude of the former above the latter to be four hundred and thirty feet. October 22, 1831, the first sill for the Lexington and Frankfort railroad was laid in the presence of a large concourse of people. From a publication of that period, the following description of the proposed road is given: "The model for this road was the result of an investigation by a committee appointed to travel east and ascertain the method of constructing a railroad. By their report, stone was quarried and dressed with one straight edge to be set upward and closely together forming exact parallel double lines of curbing. On the face of this curbing the flat rails were laid horizontally and fastened down by spikes, driven through corresponding mortices in the rail and rock." Of course, all this road-bed machinery went to pieces before an experimental trial could be effected. After persevering efforts for a few years, on the 25th of January, 1835, the first locomotive and train of cars from Lexington arrived at the head of the inclined plane at Frankfort in two hours and twenty-nine minutes, amid the enthusiasm of the gratified populace. The railroads from



Masonic Temple, Maysville

Louisville to Frankfort, from Lexington to Covington, from Maysville to Paris and from Louisville to Nashville followed in due sequence, but not immediately after this initial experience. From such small beginning, has grown the great railroad network of lines which cover the state and the south today.

The initial railroad of the state, that from Lexington to Frankfort, first came down the hills surrounding the latter by a windlass power, though it was subsequently changed in its course and reached the capital city through the short tunnel along the bank of the Kentucky river which is now familiar to every traveler over that line which is popularly sup-

posed to involve more extended curves than any other railroad in the country outside of the mountain districts. The object of the projectors of this line was to reach as many as possible of the county towns between Lexington and Louisville, and there seems no doubt that they succeeded. There is a tradition that after the line between Lexington, via Frankfort, to Louisville had been surveyed, an engineer from the east was brought to Kentucky to examine the reports made by the local engineers. The story goes, and is a very probable one, that after he had gone over the proposed route and had examined the profile reports of the engineers, he reported that he had carefully observed the line marked out by the engineers and that he had found no place where he could put in another curve. On this report, the constructors proceeded to their work. As indicative of railroad construction at that early day, it may be stated that on the line between Frankfort and Lexington there is a residence through which, via the rear door, one looks through the central hall to the front thereof, and subsequently, from the same train, through the front door to the rear thereof. In other words, one goes from the north, by way of the west, to the south of this residence and almost to the east. This is noted to illustrate the idea which obtained in the early construction of railroads that curves in the lines were necessary to prevent the engines and trains from leaving the track. How little truth there was in this contention has been many times illustrated since that time. The writer of this has traveled from Wilmington, Delaware, to Cape Charles, Virginia, at the rate of sixty miles an hour on a track which, to the natural eye, showed no deviation from a direct line.

John Breathitt was elected governor of Kentucky and James T. Moorehead, lieutenant governor in 1832. James Saunders was appointed secretary of state. This has been called by one of the historians of Kentucky, "a Jacksonian administration," though it is doubted if one in ten of those who made the administration possible, knew precisely what a Jacksonian administration meant. Had these voters been asked, they could readily have replied that they were prejudiced in favor of a Jacksonian ticket, whatever it may have meant. It was this same year that General Jackson defeated Mr. Clay for the presidency. The issues were a national bank, a tariff for protection, "the American principle," as Mr. Clay's followers termed it, and the policy of internal improvement. Mr. Clay, though entirely innocent of any wrong-doing, had to meet the charge of corruption in the election of Mr. Adams by the House in 1828. Kentucky refused to believe that her greatest statesman had done aught that he should not have done in that contest, and gave to Mr. Clay, as it should have done, a majority of over seven thousand. It is not improbable that many Kentuckians remembered at the polls the slanderous report that General Jackson had made as to the conduct of the unprotected, half-armed Kentucky troops at New Orleans and cast their ballots for Mr. Clay. The latter was probably the only man living who could have secured the vote of Kentucky against General Jackson, in this contest. The people of the United States have from the very beginning of the republic, given their suffrages to military heroes and to Jackson who had shown great military capacity, they were especially favorable. General Jackson was an especial favorite in those days, as he is today. Men form themselves into political marching clubs today using the name of Jackson as their own, who could not, for their lives, tell when he was president or what he did while holding that high office. "Jeffersonian Democrats" proudly flaunt their banners in political parades who cannot recite the first sentence of the Declaration of Independence of which Jefferson was the author, nor tell the years

when he was the president of the United States. There is a deal of humbuggery in politics today as there was in the older days.

In 1836, James Clark was elected governor of Kentucky and Charles A. Wickliffe, lieutenant governor. James Bullock was appointed secretary of state. In 1839 Governor Clark died, and Wickliffe succeeded him. This latter gentleman seemed to have been born under a gubernatorial star. His son, Robert Wickliffe, became governor of Louisiana and his grandson, J. Crepps Wickliffe Beckham, governor of Kentucky.

During the gubernatorial term of Governor Clark, the speculative bubble burst. It had attracted the people of Kentucky until they were heavily involved. When in 1840 and 1841, Robert P. Letcher and Manlius V. Thompson were governor and lieutenant governor, the storm burst upon the people. Nathaniel P. Shaler, a noted Harvard professor and a native Kentuckian, says of the collapse of the financial bubble: "This episode closed the remarkable events in the history of the financial development of the state. From this time on, the Commonwealth banks were singularly sound and efficient institutions. They were commonly domestic in their system; they trusted for their strength to a mixture of control exercised by the state through its ownership of stock and the citizen stockholders. They gave to the people a better currency than existed in any other state west of the mountains. Even in the trial of the Civil war, they stood, as they still stand, unbroken. Their strength is so great that although their currency has been destroyed by the laws of the United States, they remain the mainstays of the business of the Kentucky people, outside one or two of the larger cities."

In 1840 Kentucky found itself in the throes of another heated national campaign and with memories of the days when her sons had followed William Henry Harrison to victory against the English and their Indian allies, the state cast for him 58,489 votes and for his opponent, Martin Van Buren, 32,616. This heavy vote for Harrison was cast upon a military sentiment, notwithstanding that an able and gallant Kentucky soldier, Richard M. Johnson, was the candidate for vice-president upon the Van Buren ticket which fact probably reduced the Whig vote.

In 1844 came the final vote which determined that Mr. Clay, notwithstanding his great ability and popularity, would never be the president of the United States. He carried Kentucky by the meager majority of nine thousand, though Harrison, on the same ticket, four years previously, had carried the state by a majority of 25,873. There was a strong sentiment in favor of the annexation of Texas by the United States. The Democratic party, sympathizing with the struggle the Texans had made and were still making to gain their independence from Mexico, favored annexation. More than one of the prominent leaders of the Texan struggle was a Kentuckian, notable among these being Albert Sidney Johnston, who, before many more years, was to become a national character, known wherever gallant soldierly conduct was recognized. Mr. Clay was earnestly opposed to the extension of slavery, and probably because of this he opposed the annexation of Texas, which he knew, if it came into the Union at all, would come as a slave state. It was this position which brought about his defeat by Mr. Polk of Tennessee, the nominee of the Democratic party, who, by some ill-informed writers, desirous of adding force to the downfall of the Kentucky statesman, has been described as an unknown man of small force of character. Mr. Polk had held a high place in the hearts and minds of those who knew him best; had had long service in congress and had been speaker of the national house. Of course, defeat was bitter to Mr. Clay, who was now an old man and who recognized that but few, if any opportunities,

were left him to reach the goal of his ambition, but it is not true that his mind was embittered by the reflection that his defeat had been at the hands of a man of no importance.

The struggle in Texas continued with renewed force after the election of Mr. Polk, and in 1845 congress passed the enabling act which admitted the new state to the Union.

CHAPTER XLIII.

Natural Sympathy with Texas—Opposition to Texas—Taylor Opens Mexican War—Kentucky's Mexican War Soldiers—Capture of Monterey—Awaiting Santa Anna at Buena Vista—Three Kentucky Regiments Present—Kentuckians at Buena Vista—Honors to Brave Kentuckians—"Cerro Gordo" Williams—Triumphant American Militiamen—Reimbursing the Vanquished—Field Officers of Third and Fourth Kentucky.

When on April 21, 1836, General Sam Houston, in command of the troops of the republic of Texas, defeated the Mexican forces on the Jacinto and captured Gen. Santa Anna, there was born an imperial state, soon to become an integral part of the United States. Gen. Santa Anna, overwhelmed by the magnitude of the losses which his army had sustained, proposed to his captors to recognize the independence of Texas and thus end the war between Mexico and the new republic. But the civil authorities of Mexico refused to agree to the proposed recogition, declaring that they would not consent to the recognition of the independence of Texas. Relations between the Mexicans and Texans remained belligerent and there were frequent collisions between the armed forces of the two countries. Texas, growing weary of a guerrilla warfare, turned naturally toward the United States and asked admission to the Union. Their plea was one difficult to resist.

The white residents of Texas came principally from this country, most of them from the southern states. Gen. Sam Houston was a distinguished Tennesseean, as was the eccentric Davy Crockett who fell at the Alamo.

Of the many Kentuckians who had aided the Texans, none perhaps, was more able, from a military standpoint, than Albert Sidney Johnston who, in later years, was to meet a soldier's honored death at the head of the Confederate army at Shiloh, in 1862. The sympathies of the people of this country were naturally with the struggling Texans, as was evidenced in the presidential election of 1844 in which Mr. Polk had defeated Mr. Clay, the issue of the admission of Texas being largely considered. In 1845, recognizing the mandate of the people, congress passed a bill admitting the vast territory of Texas to the Union of states. There could be but one result following this action and that was war.

Many in the northern and eastern states bitterly opposed the action of congress and the war which followed. They would have been equally in opposition had Mexico willingly consented to the acquisition of Texas by the United States. They had ever before them the specter of negro slavery, and were unalterably opposed to the acquisition of additional territory which would add to the political power of the south where slavery prevailed. They were of those who are always most unreasonable and at times the most dangerous—the people of but one idea. Such people, be they right or be they wrong, are always fanatical and beyond the power of calm reason. They bitterly opposed the increase of southern territory, and, with equal

bitterness, opposed the war with Mexico which speedily followed. Their day of triumph was in the near future, all unknown to them, yet they awaited its coming with but little of patience and less of judgment.

In 1846, the expected war cloud burst upon the country. Gen. Zachary Taylor, a Kentuckian, under orders from the war department, concentrated the American troops at Corpus Christi, Texas, on the shores of the Gulf of Mexico, and held them ready for defense or aggression as circumstances might demand.

Col. Wm. Preston Johnston, in his "Life of Gen. Albert Sidney Johnston," who was his father, says of this period: "On the 8th of March, 1846, General Taylor made a forward movement to Point Isabel, which commanded the mouth of the Rio Grande. In spite of a protest and some acts of hostility committed by the Mexicans, a fortification was erected opposite Matamoras, Mexico, afterwards known as Fort Brown. On the 12th of April, General Ampudia addressed a letter to General Taylor, requiring him to withdraw to the left bank of the Nueces, or 'that arms alone must decide the question.' A little later, the Mexicans captured Captain Thornton and sixty men and committed other overt acts of war, and finally threatened General Taylor's communications with Point Isabel, the base of supplies. To re-establish his communications and secure his base, General Taylor marched, with his army, to Point Isabel, leaving a small but sufficient garrison in the fort. The Mexicans opened upon the fort with a heavy bombardment by which the commandant, Major Brown, was killed, but the garrison held out until relieved by the successes of the American troops.

"General Taylor started on his return from Point Isabel on May 7th, with 2,300 soldiers, and on the next day at noon, found the Mexican army, under General Ampudia, drawn up on the plain of Palo Alto to dispute his advance. An engagement ensued in which the artillery acted a conspicuous part, ending in the retreat of the Mexican army with a loss of 600 men. The American loss was nine killed and fourteen wounded.

"On the next day, the American army again encountered the Mexicans strongly posted in a shallow ravine called Resaca de la Palma. It was a hotly contested fight with 6,000 Mexicans who showed a stout courage, but they were driven from the field with a loss of 1,000 men. The American loss was 100. The war had begun.

"Volunteers were called for and came pouring in from all quarters. The martial enthusiasm of the people of the United States was only equalled by the imbecility of the government in its preparation for the conflict. It was a political regime merely, and in nowise adapted to organize or carry on a successful war; but the ability of the commanders and the splendid valor of the troops supplied all defects and made the Mexican war an heroic episode in our annals. General Taylor, having initiated the struggle by two brilliant victories, was condemned to idleness until September by the Carthaginian policy of the government which failed to supply stores, equipment and transportation."

It may be a matter of interest to know that Fort Brown, built by General Taylor on the Rio Grande opposite Matamoras, Mexico, was, in recent years, the post at which were stationed the negro troops who made a descent upon and "shot up" the town of Brownsville, Texas; an incident which caused widespread excitement throughout the country. President Roosevelt ordered the dismissal from the army of the troops believed to be guilty, and for several years his energetic and very proper action, gave opportunity for bitter attacks upon him by certain enemies in his own party.

When the president issued his call for volunteers, Kentucky's quota was fixed at twen-



GEN. ZACHARY TAYLOR

From His Portrait in the Hall of Fame in the Kentucky State Historical Society

ty-four hundred men. Her gallant sons responded to the number of ten thousand men. Of course, not all of these could be accepted and there was a struggle for precedence. On the day following the call for volunteers, Col. Stephen Ormsby, of Jefferson county, tendered the services of the nine companies of the Louisville Legion, which he commanded. Nine days later, the regiment was en route to the front. The Second Kentucky Regiment of Infantry, commanded by Col. W. R. McKee, Lieutenant Colonel Henry Clay (the splendid son of a great father), and Major Cary H. Fry, was accepted by the governor and speedily followed the First Regiment, the Louisville Legions, to the front. The First Regiment of Kentucky Cavalry was the third of the successful regiments to be accepted, and ordered to proceed at once to the seat of war. This regiment had for its field officers Colonel Humphrey Marshall; lieutenant colonel, E. H. Field, and major, John P. Gaines.

Kentucky's promptness in filling to overflowing the quota of volunteers called for by the president, did not escape attention at Washington. Gen. Zachary Taylor was promoted to a major general in the regular army; Gen. Wm. O. Butler was made major general of volunteers and Thomas Marshall, a brigadier general of volunteers. These were all Kentuckians. Capt. John S. Williams had organized a company immediately after the call was made, but through some error, this company was not accepted as a part of any of the three regiments ordered to the front. The war department specially accepted this company which went to the front at once and afterwards rendered a good account of itself, especially at Cerro Gordo where Captain Williams by his spirited conduct, in the presence of the enemy, won the soubriquet of "Cerro Gordo Williams," by which he was ever afterwards known.

The names of the company officers of the Louisville Legion are not available, but those of the Second Regiment of Infantry and the First Cavalry, are of interest as more than one of those who bore them, afterwards played prominent parts in the state. The captains of the Second Regiment were Wm. H. Maxey, Franklin Chambers, Philip B. Thompson, Speed Smith Fry, George W. Cutter, William T. Willis, William Dougherty, William M. Joyner, Wilkerson Turpin, and George W. Kavanaugh. The captains of the First Cavalry were Wm. J. Heady, Aaron Pennington, Cassius M. Clay, Thomas F. Marshall, J. C. Stone, J. Price, G. L. Postlethwaite, J. S. Lillard, John Shawhan and B. C. Milam.

Of these men several afterwards came into wide prominence in the state. Philip B. Thompson of Mercer, was long considered among the first lawyers of Kentucky and was especially noted for his knowledge of the criminal laws and practice. Speed S. Fry was a brigadier general of United States volunteers in the War Between the States and was credited with having fired the shot which killed the Confederate General, Felix K. Zollicoffer, at the battle of Mill Springs, Kentucky, in 1862. Cassius M. Clay, as has been already stated, became the apostle of emancipation in the state, a major general in the Union army and minister to Russia. Thomas F. Marshall was long notable as the most brilliant orator in a state noted for its oratory.

Soon after the Louisville Legion had joined the army under General Taylor, an advance was made upon Monterey, which was defended by about ten thousand of the enemy who were well protected by natural obstacles. Against this force the American army could present but about 6,500 men. But there was no hesitation upon the part of General Taylor, whose men, following the habit of American soldiers to bestow additional names upon their commanders, had affectionately named "Old Rough and Ready." Whatever one may

think of the appropriateness of the first part of this name, there was never a doubt that the gallant old soldier was ever ready when there was fighting to be done. At Monterey, he sent Generl Worth to gain the heights in the enemy's rear and from the point of vantage thus gained, attack the works protecting the city. General Taylor, to cover the movements of Worth, proposed to attack the enemy in his front. September 20th, Worth moved his forces in obedience to the orders of General Taylor and succeeded in securing a position in the rear commanding the palace of the bishop of Monterey. Moving forward, he came upon a large force of the enemy whom he attacked with such vigor as to soon dislodge them, driving them before him and inflicting heavy losses upon them. From the positions he thus gained he turned his artillery upon the palace.

General Taylor, at the same time, began a vigorous attack upon the town from points below those occupied by General Worth and the battle became general and very severe to each side. A portion of the advanced works of the enemy was carried by the Americans at the point of the bayonet and a foothold obtained in the town. This was the third day after the beginning of the movement, and on the following day the forces under General Worth occupied the palace, while those under General Taylor occupied the lower part of the city from which the enemy had fled on the previous night. On the following day, General Taylor pressed his troops forward, but advance was slow owing to the gallant resistance of the enemy. Step by step, however, he drove the Mexicans back until within near reach of the Plaza, or public square, which is found in every considerable town or city of Mexico. While General Taylor was fighting his way against stubborn resistance, General Worth was also advancing upon the enemy, The partial success attending the movements of each wing of the American army induced General Taylor to prepare for a concentration of his forces with the view of storming the enemy in his last works on the following day. This movement never was made, for on the morning of the next day, before the general advance could be begun, the enemy sent a flag to General Taylor and the surrender of the city followed without further engagements. A splendid military position and great quantities of army stores was thus gained, but at the costly sacrifice of five hundred American soldiers killed and wounded.

The Louisville Legion formed a part of the attacking forces and acquitted itself with honor to the army and the state whence it came.

With headquarters established at Monterey, General Taylor pressed forward a portion of his troops occupying Saltillo and Pardo, while the Mexican army retreated to San Luis Potosi. In the meantime, General Santa Anna, who was perhaps the first of Mexican generals of his day, had returned to his country, assuming not only the direction of the army but of the government as well. By December, 1846, he had an army of 20,000 men, with which force he proposed to engage and crush the small force under General Taylor. The latter had been weakened by withdrawals, sent to join in a proposed attack on Vera Cruz. He was advised from Washington to withdraw from Monterey, as the small force left him was composed mostly of volunteers. In the face of this advice, the indomitable old soldier, who was too old to begin to run away from a fight, chose rather to go out and look for one. And he found it, too, at Buena Vista. Finding there a position which pleased him, he sat down to await a call from Santa Anna, having under his command but forty-seven hundred officers and men, while the Mexican forces numbered 20,000.

The Louisville Legion was the only Kentucky organization in the attack on Monterey, but soon afterwards the Second Ken-

tucky Infantry and the First Kentucky Cavalry, reached Monterey, and joined the forces of General Taylor. There were therefore three regiments of Kentucky present for duty when the little army marched out to defy Santa Anna and his twenty thousand.

The Mexican general was not unaware of the withdrawal from General Taylor's force of most of the regulars who were sent towards Vera Cruz. He knew also that most of the men remaining under General Taylor's command were volunteers, only a few of whom had ever been under fire. To the wily Mexican general, the situation seemed full of promise, and he doubtless contemplated an easy victory.

But the battle is not always to the strong, as was proven at Buena Vista. This latter was but a ranch village on the road to San Luis Potosi, and five miles from Saltillo, which latter had been occupied by the Americans after the battle of Monterey. On the road to Potosi, the mountains were on each side rising to great heights and enclosing a narrow valley. Three miles from Buena Vista, the valley narrowed forming the Pass of Angostura, and here the main battle was fought and won by the little handful of untrained American soldiers.

The official report of the engagement made to the war department is too lengthy for insertion here, but extracts therefrom follow which, in the main refer to the parts taken by the Kentucky troops.

General Taylor under date of March 6, 1847, says: "I have the honor to submit a detailed report of the operations of the forces under my command which resulted in the engagement of Buena Vista, the repulse of the Mexican army, and the occupation of this position (Agua Nueva). On the morning of the 22d, I was advised that the enemy was in sight, advancing. Upon reaching the ground, it was found that his cavalry advance was in our front having marched from Encarnacion, as we have since learned, at eleven o'clock on the day previous and driving in a mounted force left at Agua Nueva to cover the removal of public stores. Our troops were in position occupying a line of remarkable strength. The road at this point is a narrow defile, the valley on the right being rendered quite impracticable for artillery by a system of deep and impassable gullies, while on the left a succession of rugged edges and precipitous ravines extends far back towards the mountain which bounds the valley. The features of the ground were such as nearly to paralyze the artillery and cavalry of the enemy, while his infantry could not derive all the advantage of its numerical superiority. In this position, we prepared to receive him.

"Captain Washington's battery, Fourth Artillery, was posted to command the road, while the First and Second Illinois regiments, under Colonels Hardin and Bissell, each eight companies, to the latter of which was attached Captain Conner's company of Texas volunteers, and the Second Kentucky under command of Colonel McKee, occupied the crest of the ridges on the left and in rear. The Arkansas and Kentucky regiments of cavalry, commanded by Colonel Yell and Colonel Humphrey Marshall, occupied the extreme left near the base of the mountain, while the Indiana brigade under Brigadier General Lane, composed of the Second and Third regiments under Colonels Bowie and Lane; the Mississippi Rifles, under Colonel Jefferson Davis, the squadrons of the First and Second Dragoons under Captain Steen and Lieutenant Colonel May, and the light batteries of Captains Sherman and Bragg, Third Artillery, were held in reserve.

"At eleven o'clock I received from General Santa Anna a summons to surrender at discretion which, with a copy of my reply, I have already transmitted. The enemy still forbore his attack, evidently waiting for the arrival of his rear columns which could be distinctly

seen by our lookouts as they approached the field. A demonstration made on his left caused me to detach the Second Kentucky regiment and a section of artillery to our right, in which position they bivouacked for the night. In the meantime, the Mexican light troops had engaged ours on the extreme left, composed of parts of the Kentucky and Arkansas Cavalry dismounted, and a rifle battalion from the Indiana brigade under command of Major Gorman, the whole commanded by Colonel Humphrey Marshall (of the First Kentucky Cavalry), and kept up a sharp fire, climbing the mountain side and apparently endeavoring to gain our flank. Three pieces of Captain Washington's battery had been detached to the left and were supported by the Second Indiana regiment. An occasional shell was thrown by the enemy into this part of our line, but without effect. The skirmishing of the light troops was kept up, with trifling loss on our part, until dark, when I became convinced that no serious attack would be made before the morning, and returned with the Mississippi regiment and squadron of the Second Dragoons to Saltillo. The troops bivouacked without fires and laid upon their arms. A body of cavalry some fifteen hundred strong, had been visible all the day in rear of the town, having entered the valley through a narrow pass east of the city. This cavalry, commanded by General Minon, had evidently been thrown in our rear to break up and harass our retreat and perhaps make some attempt against the town, if practicable. The city was occupied by four excellent companies of Illinois volunteers, under Major Warren of the First Regiment. A field work which commanded most of the approaches, was garrisoned by Captain Webster's company, First Artillery, and armed with two twenty-four pound howitzers, while the train and headquarters camp was guarded by two companies of Mississippi riflemen under the command of Captain Rogers, and a field piece commanded by Captain Shover, Third Artillery. Having made these dispositions for the protection of the rear, I proceeded on the night of the 23d to Buena Vista, ordering forward all available troops. The action had commenced before my arrival on the field.

"During the evening and night of the 22d, the enemy had thrown a body of light troops on the mountain side, with the purpose of outflanking our left, and it was here that the action of the 23d commenced at an early hour. Our riflemen, under command of Colonel Humphrey Marshall, who had been re-enforced by three companies under Major Trail, Illinois Volunteers, maintained their ground handsomely against a greatly superior force, holding themselves under cover and using their weapons with terrible effect. About eight o'clock a strong demonstration was made against the center of our position, a heavy column moving along the road. This force was soon dispersed by a few rapid and well-directed shots from Captain Washington's battery. In the meantime, the enemy was concentrating a large force of infantry and cavalry under cover of the ridges, with the obvious intention of forcing our left, which was posted on an extensive plateau. * * * The Second Indiana which had fallen back, could not be rallied, and took no further part in the engagement, except a handful of its men, who under its gallant Colonel Bowles, joined Colonel Jefferson Davis' Mississippi regiment, and did good service, and those fugitives who, at a later period of the day, assisted in defending the train and depot at Buena Vista. * * *

"Colonel Bissell's regiment, Second Illinois, which had been joined by a section of Captain Sherman's battery, had become completely outflanked and was compelled to fall back, being entirely unsupported. The enemy was now pouring masses of infantry and cavalry along the base of the mountain on our left

and was gaining our rear in great force. At this moment, I arrived upon the field. The Mississippi regiment had been directed to the left before reaching the position, and immediately came into action against the Mexican infantry which had turned our flank. The Second Kentucky Infantry and a section of artillery under Captain Bragg, had previously been ordered from the right to reenforce our left, and arrived at a most opportune moment, The regiment and a portion of the First Illinois, under Colonel Hardin, gallantly drove the enemy and recovered a portion of the ground we had lost. * * * I had placed all the regular cavalry and Captain Pike's squadron of Arkansas horse under the command of Brevet Lieutenant Colonel May, with directions to hold in check the enemy's columns, still advancing to the rear along the base of the mountains, which was done in conjunction with the Kentucky and Arkansas cavalry under Colonels Marshall and Yell. * * * Before our cavalry had reached the hacienda, that of the enemy had made its attack, having been handsomely met by the Kentucky and Arkansas cavalry under Colonels Marshall and Yell. The Mexican column immediately divided, one portion sweeping by the depot where it received a destructive fire from the force which had collected there, and then gaining the mountain opposite, under a fire from Lieutenant Reynolds' section, the remaining portion regaining the base of the mountain on our left. In the charge at Buena Vista, Colonel Yell fell gallantly at the head of his regiment; we also lost Adjutant Vaughn, of the First Kentucky Cavalry, a young officer of much promise. * * *

"In the meantime, the firing had partially ceased upon the principal field. The enemy seemed to confine his efforts to the protection of his artillery, and I had left the plateau for a moment when I was recalled thither by a very heavy musketry fire. On regaining that position, I discovered that our infantry, First Illinois and Second Kentucky, had engaged a greatly superior force of the enemy, evidently his reserves, and they had been overwhelmed by numbers. The situation was most critical. Captain O'Brien with two pieces, had sustained this heavy charge to the last, and was finally obliged to leave his guns on the field, his infantry support being entirely routed. Captain Bragg, who had just arrived from the left, was ordered at once into battery. Without any infantry to support him and at the imminent risk of losing his guns, this officer came rapidly into action, the Mexican line being but a few yards from the muzzles of his pieces. The first discharge of canister caused the enemy to hesitate, the second and third drove him back in disorder and saved the day. (This Captain Bragg was later very widely known as General Braxton Bragg who, at the head of a Confederate army, came into Kentucky in 1862 and fought the battle of Perryville.) The Second Kentucky regiment which had advanced beyond supporting distance in this affair, was driven back and closely followed by the enemy's cavalry. Taking a ravine which led in the direction of Captain Washington's battery, their pursuers became exposed to his fire which soon drove them back with loss. * * * In this last conflict we had the misfortune to sustain a very heavy loss. Colonel Hardin, first Illinois; Colonel McKee and Lieutenant Colonel Henry Clay, of the Second Kentucky regiments, fell at this time while gallantly holding their commands. (Colonel Hardin, though commanding a regiment of Illinois volunteers, was a native of Kentucky and a member of the noted family of that name in this state.)

"No further attempt was made by the enemy to force our position and the approach of night gave an opportunity to pay proper attention to the wounded and also to refresh the soldiers, who had been exhausted by incessant watchfulness and combat. During

the night the wounded were removed to Saltillo and every preparation made to receive the enemy should he again attack our position. Seven fresh companies were drawn from the



Military Monument
Erected in Kentucky A. D. 1850, in Frankfort Cemetery. Around it is the "Bivouac of the Dead"

town and Brigadier General Marshall, who had made a forced march from the Rinconada with a reinforcement of Kentucky cavalry, and four heavy guns, under Captain Prentiss, First Artillery, was near at hand, when it was discovered that the enemy had abandoned his position during the night. Our scouts soon ascertained that he had fallen back on Agua Nueva. The great disparity of numbers and the exhaustion of our troops, rendered it inexpedient and hazardous to attempt pursuit. A staff officer was despatched to Santa Anna to negotiate an exchange of prisoners, which was satisfactorily completed on the following day. Our own dead were collected and buried and the Mexican wounded, of whom a large number had been left on the field, were removed to Saltillo and made as comfortable as circumstatces would permit. * * *

"On the 27th, our troops resumed their former camp at Agua Nueva, the enemy's rearguard evacuating the place as we approached, leaving a considerable number of wounded. It was my intention to beat up his quarters at Encarnacion early the next morning, but upon examination, the weak condition of the cavalry horses rendered it unadvisable to attempt so long a march without water. A command was finally despatched to Encarnacion on the 1st of March, under Colonel Belknap. Some two hundred wounded and about sixty Mexican soldiers were found there, the enemy having passed on in the direction of Matahuala, with greatly reduced numbers and suffering much from hunger. The dead and dying were strewn along the road and crowded the buildings of the haciendas.

"The American force engaged in the action of Buena Vista is shown by the reports to have been 334 officers and 4,425 men, exclusive of the small force left in and near Saltillo. Of this number, two squadrons of cavalry and three batteries of light artillery, making not more than four hundred and fifty-three men, composed the only force of regular troops. The strength of the Mexican army is stated by General Santa Anna, in his summons, to be twenty thousand, and that estimate is confirmed by all the information since obtained. Our loss is two hundred and sixty-seven killed, four hundred and fifty-six wounded and twenty-three missing. Of the

numerous wounded, many did not require removal to the hospital and it is hoped that a comparatively small number will be permanently disabled. The Mexican loss in killed and wounded may be fairly estimated at fifteen hundred and will probably reach two thousand. At least five hundred of the killed were left upon the battle-field. We have no means of ascertaining the number of deserters and dispersed men from their ranks, but it is known to be very great.

"Our loss has been especially severe in officers, twenty-eight having been killed upon the field. * * * No loss falls more heavly upon the army in the field than that of Colonels Hardin and McKee and Lieutenant Colonel Clay. Possessing in a remarkable degree the confidence of their commands, and the last two having enjoyed the advantage of a military education, I had looked particularly to them for support in case we met the enemy. I need not say that their zeal in engaging the enemy and the cool and steadfast courage with which they maintained their positions during the day, fully realized my hopes and caused me to feel more sensibly their untimely loss.

"The Mississippi riflemen, under Colonel Jefferson Davis, were highly conspicuous for their gallantry and steadiness, and sustained throughout the engagement the reputation of veteran troops. Brought into action against immensely superior force, they maintained themselves for a long time unsupported and with a heavy loss, and held an important position in the field until reinforced. * * * The Kentucky cavalry, under Colonel Marshall, rendered good service dismounted, acting as light troops on our left, and afterwards with a portion of the Arkansas cavalry, in meeting and dispersing the column of cavalry at Buena Vista. The First and Second Illinois and the Second Kentucky regiments served immediately under my eye and I bear a willing testimony to their excellent conduct throughout the day. The spirit with which the First Illinois and Second Kentucky engaged the enemy in the morning restored confidence to that part of the field, while the list of casualties will show how much these regiments suffered in sustaining the heavy charge of the enemy in the afternoon. * * * After the fall of the field officers of the First Illinois and Second Kentucky regiments, the command of the former devolved upon Lieutenant Colonel Weatherford; that of the latter upon Major Fry."

General Wm. O. Butler, of Kentucky, who had been appointed a major general of volunteers early in the war, was not present at Buena Vista because of painful wounds received in the affair of Monterey. In this battle another Kentuckian, Major Philip N. Barbour, of the Third United States Infantry, was killed. Among other Kentuckians then in the Army of the United States destined to high rank and distinction in later days was a young lieutenant, Simon Bolivar Buckner, not long from West Point, from which he had graduated but a few years before. He engaged in the war with Mexico as a second lieutenant of infantry and by promotions won by bravery in action, came back to the United States as a captain in the regular army.

It is claimed that of the troops who under General Taylor, won the battle of Buena Vista and sent General Santa Anna hurrying from the field, nineteen per cent were Kentuckians.

January 29, 1847, Major John P. Gaines, Captain Cassius M. Clay and thirty men of the First Kentucky Cavalry, were captured at Encarnacion, remaining in the hands of the enemy at Mexico City for several months.

It will be recalled that Captain John S. Williams' company of Kentuckians had been accepted for service in Mexico by special order of the war department. This company was not engaged at Monterey nor at Buena Vista, as it had been ordered to the command of

General Winfield Scott at Vera Cruz, with whom it took part in the movement against the City of Mexico. The enemy was first encountered at Cerro Gordo, to which point Santa Anna had proceeded after his disastrous experience with General Taylor at Buena Vista. Cerro Gordo was a strong natural position and the Mexican engineers had added to the difficulties of attack by the erection of fortifications. In the initial attack upon this stronghold, General Pillow was in the advance, the post of honor being accorded to Colonel Haskell's Tennessee regiment, to which Captain Williams' company had been assigned. Twice the gallant assailants were driven back, but they were not to be denied and a third time, facing a hail of shot and shell, they advanced—halting not, faltering not until the works of the enemy were carried and the flag of the United States flaunted in the breeze where but a few moments before that of Mexico had waved defiance to the gallant invaders. Captain Williams and his Kentuckians, touching elbows with the brave sons of the Volunteer state, were in the forefront of the battle and won the plaudits of all who noted their desperate courage. It was there, as has been before noted in this work, that Captain Williams won the sobriquet of "Cerro Gordo" which clung to him during all the succeeding years of his long life. As "Cerro Gordo" Williams, he led a brigade of cavalry in the Confederate army, and as "Cerro Gordo" Williams he sat in the senate of the United States from Kentucky. He was a gallant soldier and led men of like caliber over the hot plains of Mexico, and in other and later years, in the army of the Confederacy.

Professor N. S. Shaler of Harvard College, himself a Kentuckian and a former volunteer soldier in the Federal army, 1861-5, says in "The American Commonwealth:" "These battles of the Mexican war proved that the American militia, properly commanded, could sustain a long series of attacks, or stand steadily under the heaviest fire from overwhelming numbers without becoming demoralized by the many well-delivered blows which might strike their lines. Mexico became a training ground in the art and skill of military tactics of many men, both in the regular and volunteer service, who afterwards became distinguished by their important parts in the Civil war. Many of these soldiers reappear in the subsequent civil and military history of the state, both on the Federal and Confederate sides. Here they received the training which gave them successful leadership. At the beginning of the Mexican war, there was no state in the Union where there had been for a generation a greater neglect of the military art on the part of her people. There remained from the military life of the old days but two elements of value to the soldier —an instinctive as well as a trained ability in the use of firearms, and a strong combative spirit. These proved of great efficiency. These troops were to be tried against a people who possessed a large degree of soldierly qualities. The Mexicans were hardy, brave and patient, and well-trained in the simpler art of war; their frequent internal struggles having given them recent and extensive experience in military affairs. The experience proved that the Kentucky troops showed little of that intractable and insubordinate spirit, or unwillingness to submit to command, that marked their ancestors in 1812. The long training in civic life had finally subjugated the wilder impulses of insubordination that were the reproach of the pioneer soldier. There was no time to give these volunteers even a good camp training, and their officers were incompetent to the task. They fought as raw militia." And they likewise won.

Every one knows the result of the war with Mexico; how the American troops following victory after victory, finally marched into the City of Mexico and dictated terms of peace,

which provided that the Rio Grande from its mouth westward towards the Pacific, should be the boundary line between the two countries, thus giving in its entirety the splendid domain of Texas to the United States, as well as New Mexico, Nevada, Utah, Colorado, Arizona and California. In consideration of this vast acquisition of territory, the United States paid to Mexico, though the former had been the victor and therefore entitled to make terms the sum of fifteen million dollars. Those uninformed persons who consider the payment of twenty million dollars to Spain for the Philippine Islands, at the close of the war between the two countries, an anomaly in treaties between a victorious and a defeated country, have perhaps never heard of the treaty of Guadaloupe Hidalgo, which gave to the United States a territory one-fourth as large as the then existing United States and for which it paid fifteen million dollars.

The conclusion of hostilities between the two countries has here been considered before its actual occurrence, since this work proposes to be a history of Kentucky rather than of the war with Mexico. But before that war had ended, the president had made a second call upon Kentucky for troops to the extent of two regiments. There was no more hesitancy in responding to this call than there had been to the first. Immediately two regiments were formed. The first one, numbered as the Third Kentucky Infantry, had for its field officers: Colonel, Manlius V. Thompson; lieutenant colonel, Thomas L. Crittenden, and major, John C. Breckinridge. The Fourth regiment was commanded by Colonel John S. ("Cerro Gordo") Williams, Lieutenant Colonel William Preston, and Major William T. Ward. These regiments, however, saw no active service, as peace was declared before they could reach the seat of war.

It may be of interest to note, in brief, the history of the above named officers. Lieutenant Colonel Thomas L, Crittenden, a son of Senator John J. Crittenden, later was a major general in the regular army of the United States, winning his stars in the War Between the States, in which great contest his brother, George B. Crittenden, was a major general in the Confederate army.

Major John C. Breckinridge was afterwards a member of congress from the Ashland district of Kentucky; vice president of the United States; senator from Kentucky; major general in the Confederate army and secretary of war in the cabinet of President Jefferson Davis.

Colonel John S. Williams of the Fourth Kentucky regiment (Cerro Gordo), as has been hitherto stated, became a brigadier general in the Confederate army, and senator from Kentucky in the United States senate.

Lieutenant Colonel William Preston, of the Fourth regiment, advanced $50,000 for the equipment and forwarding to the front of the First Kentucky Infantry and the First Kentucky Cavalry. After the war, he served in congress from the Louisville district; was minister of the United States at the court of Spain, and later, a major general in the Confederate army. At Shiloh, he held in his arms his dying brother-in-law, General Albert Sidney Johnston, another distinguished Kentuckian.

Major William T. Ward, of the Fourth Kentucky, was later a brigadier general of volunteers in the Federal army, a distinguished lawyer and an excellent citizen.

This brief recital, which covers only the field officers of the two regiments, indicates the character of the Kentuckians who answered their country's call. Among the line officers, and, indeed, among the private soldiers, there were many who in later years, rose to prominence and, in civil and in military positions, proved their high character and devotion to the state. Few of the living Kentuckians who had enlisted for the war with Mexico, failed to see service a few years later in either the Federal or Confederate army.

CHAPTER XLIV.

Taylor, Last Whig President—Sketch of Zachary Taylor—Historic "Comrades-in-Arms"—The Constitution of 1849—Last of the Whigs—Know Nothing (American) Party—Louisville "Reign of Terror"—Downfall of Know Nothing Party.

General Zachary Taylor, a grim old fighting man, had won such distinction in the war with Mexico, that the politicians at once turned their eyes towards him. The Whig party, from one cause or another, was waning and sought to recover its wasted strength by appealing to the popular sentiment of the people with a military hero. General Taylor, it was believed by the masses, had been unjustly treated in Mexico when the greater part of his regular army support had been taken from him for the attack on Vera Cruz, leaving him with a mere handful of raw volunteers with which to meet the twenty thousand trained troops of Santa Anna at Buena Vista. Notwithstanding this handicap, he had declined to accept the advice of the War Department and withdraw to Monterey, but had boldly marched to the front, where finding an advantageous position, he had sat down and, in effect, invited Santa Anna to call and get acquainted. The result has been stated herein. It is known of all men.

General Taylor, "Old Rough and Ready," was the idol of the people of the United States who had then and have now an intense admiration for the man who says but little and does much.

The Whig party, always able but not always victorious, saw its opportunity and when its national convention met June 8, 1848, in Philadelphia, it recognized that the psychological moment for a victory had arrived, and with a foresight not always seen in national conventions, it nominated for president General Zachary Taylor, a Kentuckian, but then a resident of Louisiana, and for vice president, Millard Fillmore, of New York. It is extremely doubtful if General Taylor, at the time of his nomination, owed allegiance to either the Whig or the Democratic party. He was then and for most of his years had been a soldier seeing his duty and doing it, as a true soldier always does, and giving little heed to the petty and pestilent divisions of party politics. He accepted the nomination as he would have accepted an order from the war department to proceed to make war upon any enemy threatening the country.

The nomination of General Taylor was as wormwood and gall to General Scott, who was soldier and politician too, and who went to his honored grave with the feeling that Republics are ungrateful. He had rendered soldierly service to his country for all the years of his manhood and the reward to which he deemed himself entitled was the presidency. He had triumphed in Mexico, as had General Taylor, but being superior to the latter in command, his imperious spirit could ill brook the selection of his subordinate for the highest honors in the gift of the people. Later, he was to have tendered him a like nomination, only to see the great honor of the presidency given to another of his subordinates in Mexico, a mere brigadier general of volunteers,

while he was a major general in the United States army. One can readily find sympathy for the old veteran while, at the same time, recognizing his unfitness for the presidency.

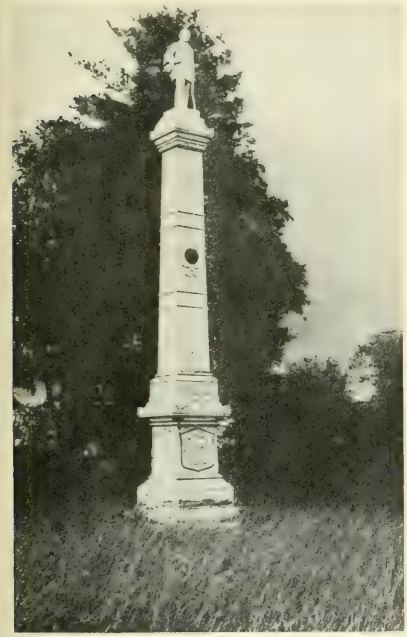
The Democratic national convention nominated Lewis Cass, of Michigan, for president, and General William O. Butler, of Kentucky, for vice president. General Butler had been a major general of volunteers in the Mexican war, serving under the command of General Taylor, and had been wounded while gallantly leading his troups at the battle of Monterey. He was a gentleman of much ability and would have honored the high position for which he was nominated, no doubt, in the belief that he could control a certain portion of the vote of those who had served in Mexico, and without any especial reference to his fitness for the position. National conventions sometimes make strange nominations. For instance, there was Sewell of Maine, named for vice president on the ticket with Mr. Bryan in 1896. All that anyone in the convention seemed to know about Mr. Sewell was that he was a wealthy man and would probably make an interesting contribution to the campaign fund. Politics not only makes strange bedfellows but also strange nominations, but this reflection in no wise refers to the naming of General Wm. O. Butler for the vice presidency in 1848. He was entirely competent, an able man.

It is known to everyone that the Whig ticket was elected and that General Taylor succeeded to the presidency, as the last man ever elected president by that party. In Kentucky, the vote for Taylor was 67,486; for Cass, 49,865. General Taylor was inaugurated March 4, 1849, and died July 9, 1850, after having served but a few days more than sixteen months, and was, of course, succeeded by Vice President Millard Fillmore.

In his history, Smith says: "The father of General Zachary Taylor, one of the most eminent and worthy of the sons of Kentucky, was Colonel Richard Taylor of Virginia, a gallant officer in the Continental army throughout the Revolutionary war (one of ten brothers in the same service). In 1785 he removed with his family to Kentucky and settled in Jefferson county, and for years distinguished himself by his services in defense of the border against the Indians. Zachary Taylor was nine months old at the date of this removal. He grew to manhood amid the din of Indian warfare and received such education as the country afforded. In 1808, he was appointed a first lieutenant in the regular army and soon after joined the command of General Wilkinson at New Orleans. In the war with England, in 1812-15, he served with distinguished gallantry and success. His most noted achievement here was the successful defense of Fort Harrison against the formidable investment and assaults of a greatly superior body of Indians, aided by their white allies from Canada. He bore the rank of major at the close of the war. He was promoted to the rank of colonel in 1832, and rendered most effective service in the Black Hawk war which broke out at that time. Afterwards, in the war against the Seminole tribes of Florida, which became so noted for its long continuance and the great trouble and expense the Indians gave the government from the Everglade swamps of that country, the leading military operations were under the command of Colonel Taylor. His subsequent achievements in the Mexican war and his elevation to the presidency of the United States left nothing more for human ambition and fame to be sought or desired."

The Black Hawk war in 1832, in which General Taylor rendered soldierly service to his country, possesses a singular interest for Kentucky. Among the Illinois volunteers serving in that war was a lean, lank Kentuckian who was captain of a company. Twenty-

eight years later this modest captain was elected president of the United States and, as Abraham Lincoln took his high place in the history of the world. A younger Kentuckian was in the same war as his comrade, a graduate of West Point and a lieutenant in the regular army. He married the daughter of General Taylor, left the army and was afterwards a colonel of volunteers in the war with Mexico; a United States senator from Mississippi, secretary of war in the cabinet of President Pierce, again a United States senator, and when his former comrade, Abraham Lincoln, was president of the United States, Jefferson Davis was president of the Confederate states. There seems to be no station to which the youth of this great country may not aspire, as the fortunes of these two great Kentuckians seem to prove.



GEN. ZACHARY TAYLOR'S MONUMENT, LOUISVILLE

The people of Kentucky seeming desirous of a change in their organic law, the Constitution of 1799 had apparently outlived its usefulness, while certain of its provisions, acceptable enough at the time of its adoption, were no longer approved by the people. The question of calling a convention being submitted to the popular voice, there were cast in favor of the calling of a constitutional convention 101,828 votes as against 39,792 in opposition. In obedience to this popular sentiment, the general assembly called a convention to meet in Frankfort October 1, 1849, "to change the constitution of the state." The contest for delegates to this convention was a spirited one, especially as regarded the question of the gradual emancipation of the slaves, or the immediate abolishment of slavery. Those in favor of either of these propositions held meetings throughout the state and resolved to bring out candidates wherever there was any possibility of their election. As was shown in a previous chapter, any question involving the emancipation of the slaves caused excitement to rise to a high pitch and in this campaign there was no lack of feeling. Cassius M. Clay, who has been referred to as the chief apostle of emancipation, was a candidate for delegate to the convention, but was not elected. The general result showed that but few of those favoring emancipation were successful in their candidacy, and whatever the new organic system might be, there was no fear that under its provisions there could ever be any interference with the system of slavery. As a matter of fact, when the new constitution was completed, it was found that its framers, to guard against any interference with slavery, had inserted such provisions as

made it almost impossible to assemble another convention to revise it, by any other than revolutionary procedure. Under the constitution of 1799, the appointment of judges and minor officers was vested in the governor. This system, which had come down from the colonial governments, was but a following of the system then and now in vogue in the mother country of England. The theory of our Republican form of government was that the people should rule and they had begun to look with disapproval on this concentration of power in the hands of the governor.

This and the slavery question were the most important measures to be considered by the convention. The final result was that the power of making these appointments was taken from the governor and lodged in the people at the polls. This section of the constitution was not adopted without much discussion. Many of the well-informed men of that day opposed the idea of an elective judiciary and there are not lacking today many equally well-informed persons who would approve a return to the old system of an appointive judiciary. At the period of this writing, an accomplished lawyer has presented before the Bar Association of Louisville an argument for the appointment of judges by the governor, such officials to have a life tenure or during good behavior. It is not the purpose of this work to enter into the discussion of this question. which is an academic one and not apt to engage the attention of the law-making power of the state at any near-by period.

When the convention met at Frankfort, James Guthrie of Louisville was chosen for president, over Archibald Dixon of Henderson. It is a coincidence that each of these distinguished gentlemen subsequently served in the senate of the United States, Mr. Guthrie having also been secretary of the treasury in the cabinet of President Pierce.

It has been omitted heretofore to state that in 1848 John J. Crittenden was elected governor of Kentucky and John L. Helm, lieutenant governor, upon the Whig ticket. It was the habit of the people of Kentucky, at that time, to select the foremost of their citizens for the highest official positions within their gift, but in later years they sometimes have preferred to select in their conventions men whom they thought could be elected, regardless of their capacity or lack of it for the office for which they were named.

The constitutional convention finally concluded its work which received the approval of the people. Smith, in his history of Kentucky, not looking far into the future, says of the constitution of 1849: "The result is that the constitution of Kentucky, in its relations to a revolutionized condition of society, of property interests and of civil relations, is one of the most remarkable anomalies of American politics. Constructed in an era of intense pro-slavery sentiment, and mainly with features of protection and perpetuation of the institution, now, after the abolishment of slavery and the restoration of peaceful government for nearly a quarter of a century, it stands untouched and unmarred, a grim monument of an eventful past with its living and dead provisions intertwined among the masonry of its articles and sections. When it may be changed, no augury of statesmanship is able to forecast. The people seem indifferent to change and move on in the pursuits and followings of life with contentment as in the era suited to the instrument." This statement was made before a new constitution was offered to the people and accepted by them without knowing what its provisions meant. It is a matter for important consideration when a new organic law is submitted to a people for their acceptance or the rejection, and the acceptance of the present constitution inevitably tends to the fear that the people are not always as careful as they should be, since they go to the polls without a full knowledge

of the question upon which they are called to vote. The present constitution, adopted in a popular vote by a large majority, is found to be contrary to the best interests of the state and to have reduced the population as well as to have driven capital from the state.

Under the constitution of 1849, there was held an election for certain state officers, in which James Simpson, Thomas A. Marshall, B. Mills Crenshaw and Elijah Hise were elected judges of the court of appeals, and Philip Swigert, clerk of that body. Circuit judges, commonwealth's attorneys and other minor officers were also chosen at this election for the first time in Kentucky so far as some of officers were concerned.

Though in the election for delegates to the constitutional convention, the anti-slavery people had failed to elect any of their candidates, they had not given up the fight. In 1851, they put into the field for governor, Cassius M. Clay, the irrepressible, and George N. Blakey for lieutenant governor. The several candidates received votes as follows: L. W. Powell, 54,613; Archibald Dixon, 53,763; Cassius M. Clay, 3,621; for lieutenant governor, Robert N. Wickliffe, 47,474; John B. Thompson, 53,599; George N. Blakey, 1,670; R. C. Wintersmith was elected treasurer; E. A. McCurdy, register of the land office; Thomas S. Page, auditor; James Harlan, attorney general; Robert J. Breckinridge, superintendent of public instruction, and David R. Haggard, president of the Board of Internal Improvements, all of these latter named being Whigs, the governor being the only Democrat elected. This was the last real effective victory for the fast decaying Whig party in Kentucky. True, they carried the state in 1852 in the presidential election, but this was of no avail as Scott, for whom they voted, was easily defeated by Pierce, the Democratic candidate for the presidency.

The Whig party was rapidly disintegrating at this time, and with a view to saving itself from utter annihilation it aligned itself with a sporadic political organization which sprang up about this time, known as the Native American party, which had for its basic principle opposition to the Catholic church and foreign voters. For a time this new party swept across the country as fires sweep the western plains; the "Know Nothing" party as it came to be known, bade fair, for a time, to encompass the entire country, taking the place of the moribund Whig party and drawing recruits from the Democrats. It was a secret organization, with signs and passwords, and its lodges reached from one side of the country to the other. No man of foreign birth could hope for political advancement where this party was in the majority; no man who was a member of the Catholic church but was tabooed. There were many Whigs and more Democrats, who refused to subscribe to these proscriptive principles, but for a time, the American or Know Nothing party, seemed to have the ascendancy in Kentucky. Secret meetings were held at night; passwords were necessary to secure admission to these meetings at which oaths of allegiance were administered, and the members pledged to the support of the candidates named by the superior authorities of the organization. At the August election in 1855 Charles S. Moorehead, the American, or Know Nothing candidate for governor, received 69,816 votes while Beverly L. Clark, the Democratic candidate, received but 65,413 votes. For lieutenant governor, James G. Hardy, Know Nothing candidate, defeated Beriah Magoffin, the Democratic candidate. The Know Nothing ticket was elected in its entirety and a legislature of the same complexion was also chosen. But this victory was but the herald of defeat to follow and the American or Know Nothing party, built upon a false foundation, had but a desultory existence and soon passed from view, never again to be heard of save for a short period when certain politicians more inter-

ested in the loaves and fishes of office than the freedom of the people attempted to bring into prominence an organization known as the American Protective Association, the chief object of which was the securing of offices for its members. Failing in this, it speedily disintegrated and was heard of no more.

In the election of 1855, the city of Louisville was made the victim of religious proscription. The election held in August, was a scene of bloodshed which has ever since been a reproach to the city. Houses belonging to foreign-born citizens were burned; men who did not subscribe to the tenets of the Know Nothing party were driven from the polls; twenty-two persons whose offense was that they were of foreign birth, were killed; many were wounded, and sixteen houses were burned. William Preston, later a distinguished officer of the Confederate army, risked his life many times on this awful day, in his efforts to protect the people whose only offense was that they had been born under a foreign flag. It is difficult at this day of peace and quietude to realize that in Louisville in 1855, there was a Reign of Terror and that there is a "Bloody Monday" to stain our records. And all for politics. It is not probable that those who brought this disgrace upon the city were men who, under any circumstances, could have profited by the success of the one party of the other; men who would never have been chosen by the successful candidates for any subordinate positions under them. Years afterwards in 1905, when an election was stolen in Louisville, it was done by men of the same class who, having no characters to lose, were careless as to the methods they employed to win a victory for the party to which they claimed to belong and about the principles of which they knew nothing and cared less.

The Know Nothing party had no basis but that of opposition to the Catholic church and the foreign born element. For the theory of the government, they cared nothing and knew less. What its members wanted above all else, was the offices and their emoluments. Of course, it was ephemeral. In Virginia, where, as in Kentucky, the new party had secured strong foothold, Henry A. Wise conducted a strenuous campaign against it, as a candidate for governor, the result being a complete defeat of the new party, its downfall following soon afterwards, never again to be heard of. The Whig party, which had, in large part, been assimilated by the American party, at the same time passed out of existence, some of its members adhering to the Democratic party, it must be said, under protest, while in the north, they went over to the then newly-formed Republican party. In Kentucky, many of the late Whig party still claimed allegiance to that moribund organization which, having no ticket in the field at subsequent elections, left them no choice other than to remain silent at elections or else vote the Democratic ticket, which many of them did—even at so late a period as that following the war of 1861-5, when they still claimed not to be Democrats.

CHAPTER XLV.

The Greatness of Clay—Jackson and South Carolina—Clay, Protector of American System—Averts Civil War—Clay's Supposed Retirement—Returns to the Senate; Death—Meriwether, Clay's Successor—Elections of 1856-8—Military Demonstration Against Mormons—Kentucky Whig's Last Struggle—Panic of 1857—Kentucky in 1850-60—Eighty-Five Years' Increase—Most Fecund People of History—Industrial and Commercial Advancement.

On June 29, 1852, Henry Clay, then a senator of Kentucky, died in the city of Washington, a disappointed man. He had fixed his eyes upon the presidency, as his great powers, mental and political, had justified him in doing. He had seen the nomination of his party go to General Taylor when he had a right to expect it for himself. He had seen the nomination he had won in 1844 turn to ashes on his lips, because of an ill-advised letter he had written regarding the admission of Texas to the Union. With a great heart and a great brain, he had rightly deemed himself fitted for the presidency and had more than once seen that great honor pass from him to be bestowed upon others. A son of the soil, he was by virtue of his great intellect, a patrician, and it broke his spirit to see men his intellectual inferiors, pass him in the contest for the great honor on which his heart was set. It matters little to him now that Webster, Calhoun, Blaine and others of less degree, who, like him, hungered for the presidency, went to their graves with that hunger unappeased. He was a great man and the republic does not, as a rule, make presidents of its greatest men. Perhaps upon the shores of the Great Beyond, where Clay rests now, he has learned this lesson and is content.

His remains were brought to the home which he had made illustrious and interred in the cemetery at Lexington in the presence of sorrowing thousands, many of them being men who had bitterly opposed him while living, but came to do him honor now that he was dead.

Clay's was an imperious mind, brooking opposition with but little of the spirit of compromise, but as the shadows of the end came upon him, he put much of this feeling behind him and was the statesman, pure and simple, acting alone for the peace, the glory and the grandeur of his country, regardless of political differences. He was great enough to do this; great enough to ignore the criticisms of those who had followed him, but were not equal to understanding his movements when he put behind him his party and exalted his country beyond all else. He looked with prophetic eye to the future and saw, with unerring foresight, the dread specter of war between the sections, north and south. He offered compromise measures to avert the division of the Union which he foresaw, and through these measures, for a time, the country was tranquil. Perhaps the mighty spirit of the Great Commoner is happier today in that other sphere because he passed away before that day when compromises were no longer recognized and the questions he had

sought to settle peaceably, were being tried out at the cannon's mouth. Mr. Clay lived and died as a statesman rather than a politician, and Kentucky owes no greater debt to Virginia than that which she assumed when Henry Clay left the Old Dominion to make his home in Kentucky and make illustrious the name of that new state, wherever statesmanship and oratory are known and honored. Mr. Clay did not need the presidency to make his name illustrious and honored among men.



THE HEART OF LEXINGTON AND FAYETTE COUNTY COURT HOUSE

It was not alone in 1861, that South Carolina set herself in opposition to the federal government, and refused to obey its laws. In 1832, in convention assembled, the people of that state declared unconstitutional, null and void, certain acts of congress levying duties on certain foreign importations within that state, further declaring that if the federal government showed attempt to use coercive power in the collection of such duties, she would withdraw from the Union and become an independent sovereignty. General Jackson, who had but recently defeated Mr. Clay for the presidency, announced that "By the Eternal, the Union must and shall be preserved," and served notice upon South Carolina as to what would happen to it, should it oppose the execution of the federal laws. He issued a proclamation which closed as follows:

"Fellow citizens of my native State, let me not only admonish you, as the first magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. You are free members of a flourishing and happy Union. There is no settled design to oppress you. You have, indeed, felt the unequal operation of laws which may have been unwisely, not unconstitutionally, passed; but that inequality must necessarily be removed. At the very moment when you were madly urged on the unfortunate course you have begun, a change in public opinion has commenced. I adjure you, as you value the peace of your country, the lives of its best citizens and your own fair fame, to retrace your steps. Snatch from the archives of your state the dis-

organizing edict of its convention; bid its members to reassemble and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity and honor. Tell them that compared to disunion all other evils are light, because that brings with it an accumulation of all. Declare that you will never take the field unless the star-spangled banner of your country shall float over you, and that you will not be stigmatized, when dead and dishonored, and scorned while you live, as the authors of the first attack upon the constitution of your country. Its destroyer you cannot be. You may disturb the peace; you may interrupt the course of its prosperity; you may cloud its reputation for stability; but its tranquillity will be restored; its prosperity will return, and the stain upon its national character will be transferred and remain an eternal blot upon the memory of those who caused the disorder."

One who, like the historian of today, must delve into ancient documents, must be impressed with the flambuoyant style of the writers of official communications three generations ago, as compared with those of today. The style of sixty or seventy years ago was, in large part, that of the soldier who sought to arouse the martial spirit of the people by the use of high-sounding phrases. Those who recall the military documents of the War Between the States, can remember the addresses that were issued to secure enlistments and the tremendous terms in which they were couched. One could well imagine the authors marching into "the imminent deadly breach" to lay their lives upon the altar of their country, and it was amusing later to learn that some of them did not go to the war at all, because those whom they sought to entice either refused to offer themselves as food for "villainous gunpowder," or objected to having as officers those in whom they had no confidence.

South Carolina, conscious, perhaps, that if the state withdrew from the Union, it would be followed by other states whose men would do the major part of the fighting, paid no attention to the proclamation by President Jackson; still paid no heed to the authority of the general government, and proceeded to the organization of troops in defiance of the government.

The president sent a message to congress informing that body of the condition of affairs in South Carolina. Mr. Clay, not that he cared for Andrew Jackson (for he did not), saw the "American system" which is now known as the protective system, in danger, and introduced a bill in the senate to meet the danger. He proposed in this measure, an annual reduction of duties for several years, until the tariff reached a revenue basis. It is a singular fact that those who denounce the protective tariff as robbery and declare for a "tariff for revenue only" have never reinforced their arguments by selections from the speeches of Mr. Clay, the father of the protective system. The vehemence of those who attack the system is so great as to lead to the belief that the opponents of that system have never read a tariff enactment. One of the most eloquent of the advocates of a "tariff for revenue only" declares for "wiping out the schedules" profoundly ignorant of the fact that the schedules are merely conveniences of administration and, of themselves, put no duty upon any article imported.

Mr. Clay, for the reason that he feared the attacks upon the American system, introduced in the senate, the measure referred to, and in his speech in its favor said: "I believe the American system to be in great danger, and I believe it can be placed on a better and safer foundation at this session than the next. I heard with surprise my friend from Massachusetts say that nothing had occurred within the last six months to increase its hazard. I entreat him to review that opinion. Is it correct? Is the issue of numerous elections, including that of the highest officer of the government, nothing? Is the explicit recommendation of that officer, in his message at the opening of the session, sustained, as he is, by a recent triumphant election, nothing? Is

his declaration in his proclamation, that the burdens of the south ought to be relieved, nothing? Is the introduction of the bill in the house of representatives during this session sanctioned by the head of the treasury and the administration, prostrating the greater part of the manufactures of the country nothing? Are the increasing discontents nothing? Is the tendency of recent events to unite the whole south nothing? Let us not deceive ourselves. Now is the time to adjust the question in a manner satisfactory to both parties. Put it off until the next session and the alternative may and probably then would be a speedy and ruinous reduction of the tariff, or a civil war with the entire south."



Postoffice at Lexington

When the house was preparing for an adjournment for the session, Mr. Letcher, of Kentucky, moved to strike out of the bill then pending before that body, all but the enacting clause and insert in lieu thereof, the senate bill offered in that body by Mr. Clay and there adopted. The motion was adopted and the bill, as amended, sent, at once to the senate, in which body it was concurred in and sent to the president who gave it his immediate approval. The senators from South Carolina voted for the measure and were rewarded by the approval of the people of their state.

Thus Mr. Clay, by his compromise measure, had calmed the storm of nullification in South Carolina and brought peace where war was feared. Happy would it have been for our country, when South Carolina, a second time, threatened its peace, had the compromise measures of that other great Kentuckian, Mr. Crittenden, met the approval of the congress and of the people. The red deluge of war which swept over the country with all its horrors of death and devastation would then have been averted, as they were in 1832 when Mr. Clay had the support of the congress for his measure. Peace came after the adoption of the Clay Compromise, but it was the calm before the storm. The irrepressible conflict was not many years in the future, but, happily for Mr. Clay, he had gone to his reward before the storm burst upon the country.

A historian of that period has so beautifully summed up the character and services of Mr. Clay in his public life, that one can do no better than to copy it here: "Of the measures advocated by Mr. Clay during his active career in congress, were the incorporation of a United States bank; the principle of a protective tariff, applied until the manufacturing interests of the country could be nursed to compete with those of Europe; the aid of the government to internal improvements of a national character; the disposition of the public lands of the United States, and others of lesser note. On the 31st of March, 1842, the

Nestor of American politics executed his long cherished wish to retire from public life, and to spend the remainder of his days in the tranquil shades of Ashland. Tendering his resignation in the senate, the scenes of parting were thrilling and affecting beyond description. Had the guardian genius of congress and the nation been about to depart, deeper sensations of sadness and regret could not have been manifested than when Mr. Clay arose, for the last time, as every mind was impressed, to address his compeers. All felt that the master spirit was bidding them adieu, perhaps forever, and were grieved that the pride and ornament of the senate, and the glory of the nation was being removed, creating a void that would never again be filled.

"Failing as he did in the contest of 1844, he gave up all hopes of the presidency, and resigned himself to the retirement he had chosen. In 1847 he publicly avowed his faith in the Christian religion and united with the Protestant Episcopal church at Lexington that he might dwell in communion with his God and Heaven. From the privacy and repose the venerable sage and chieftain had sought, the ominous mutterings of the storm-cloud of the slavery issue, threatening already to sever the Union and to drench the land with fratricidal blood, the popular voice of alarm called him rudely forth to perform the last acts in the drama of a wondrous life, upon the great theater of politics where he had so long been the greatest of the nation's great. The emergency was one which respected not persons nor conditions, and the decree went forth that the laureled chieftain must against clothe himself with the armor of battle, bear it forth through the struggle and die with it on. Bearing upon his shoulders the burden of years, he bowed submissive obedience to the stern demand, did his duty faithfully and heroically and then died, as he had lived, in the service of his country and of humanity."

In 1848 Mr. Clay found himself again a member of the senate, from which body he had, as he then supposed, retired forever in 1842. He took his seat in that august body, but was never again the potent influence that he had formerly been; not from any failure of his splendid mental powers, but from the physical debility consequent upon his advancing years. His voice, now as always before, was for peace, and he sought by all proper means to avert the dangers that threatened the country, but without avail. On July 29, 1852, this greatest of Kentucky's statesmen laid down the burden of life in Washington, where he had fought so long and so well for the prosperity and peace of his country.

Lazarus W. Powell was the Democratic governor of Kentucky at the time of Mr. Clay's death, and the legislature not being in session, he appointed David Meriwether, of Jefferson county, to succeed him in the senate. Mr. Meriwether, at the time of his appointment, was secretary of state in Kentucky, had served in the legislature many times and had been speaker of the house. He served in the senate until the next succeeding session of the legislature, when the Hon. Archibald Dixon, of Henderson, was chosen to succeed him. Subsequently, Mr. Meriwether was appointed governor of the territory of New Mexico, at the conclusion of the term of which office he returned to his farm near Louisville and subsequently was elected to the legislature, term after term, until advancing years forced him to retire from public life.

In 1856, Kentucky cast its popular vote for the Democratic candidates for president and vice-president, Buchanan and Breckinridge receiving 69,509 votes; Fillmore and Donelson, 63,391 votes, and John C. Fremont and William L. Dayton, the first presidential ticket presented by the Republican party, 314 votes. Fillmore had received the vote of the Know Nothing party and those who had remained faithful to the old Whig organization, but the falling off in this vote told all too plainly that

not only the old party but the new Know Nothing party was doomed to destruction.

The small vote cast for Fremont was but a poor indication of the political changes that forty years were to bring. In 1896 Kentucky cast all but one of her electoral votes for William McKinley, the Republican candidate for president, and since the war has thrice elected the Republican candidate for governor. Of course the votes of the colored men, enfranchised since the war, played an important part in these elections, but it is not to be denied that the white Republican vote in Kentucky is a factor to be considered by all aspiring politicians. The congressional district of the state in which the heaviest republican vote is cast, the Eleventh, is inhabited almost entirely by white voters, there being comparatively few negroes in the mountains.

The majority for the Democratic candidates on the presidential ticket in Kentucky in 1856 had been 6,118. In 1857, in the gubernatorial contest, James H. Garrard, Democratic candidate, had a majority of 12,114 votes over the candidate opposing him on the American or Know Nothing ticket. In the congressional delegation chosen at this election there were eight Democrats and two members of the American party.

In 1858 Lazarus W. Powell, a former Democratic governor, was elected to the United States senate; a judge of the court of appeals and the clerk of the tribunal; both Democrats, being chosen at the August election in that year.

The Mormons in Utah, having displayed a rebellious attitude towards the United States, the government determined to send a military expedition to that territory to teach these refractory people a much-needed lesson. In addition to a force of regular troops, under command of Col. Albert Sidney Johnston of the regular army, a Kentuckian by birth and training, it was determined to send a column of volunteers, the quota of Kentucky being fixed at one regiment. The governor issued his call for volunteers, to which twenty-one companies promptly responded. Of course all of these men could not be accepted, as there were enough for two full regiments, while but one had been called for. The governor was forced to select those who should be accepted, which he did, the companies chosen being from widely separated sections of the state. These men, however, saw no active service, as a Peace Commission, composed of Senator Lazarus W. Powell, of Kentucky, and Benjamin McCullough, of Texas, had so adjusted the differences with the Mormons as to obviate the use of troops and the volunteers were mustered out of the service.

These young Kentuckians, thirsting for military glory, had but a little time to wait when their opportunity came in a larger form than most of them ever dreamed of in their most martial moments. Ben McCullough, one of the two commissioners to arrange terms with the Mormons, later became a brigadier general in the Confederate army, falling at the head of his command, early in the great struggle between the states.

In 1859 the Whig party in Kentucky made its last great struggle for power and was thereafter heard of no more. Its candidate for governor was Joshua F. Bell of Boyle, a man of winning personality and perhaps the most pleasing orator in the state; and oratory counted for much more then than now. Today Kentucky has no orators of the old school. It has a few men, some of them in congress, who on the hustings emit "sound and fury signifying nothing" and who, for argument, substitute abuse of their opponents, thus tickling the ears of the groundlings, imagining themselves legitimate successors of the Kentucky intellectual giants of our earlier and better days. Joshua F. Bell was an orator, and it is remembered to this late day that his friends and political followers were fond of referring to him as "the silver-tongued." The Demo-

crats nominated as his opponent, Beriah Magoffin, of Mercer, a neighboring county to Boyle, in which Mr. Bell lived. Mr. Magoffin was not an orator, but as a steady, all-day-long talker, there was no man his superior in the state. He was a man of ability and, as subsequent events were soon to prove, a man of strong will and steady nerve.

The Democratic party was above suspicion on the question of slavery; every one knew where it stood; there was a doubt as to the Whig party, or the remnant of what still was known by that name. The few remaining "Old Line Whigs," as these very respectable gentlemen were pleased to call themselves, and the voters who still clung to the Know Nothing party, were warm in support of Mr. Bell. The campaign was a spirited one; party feeling ran high and the followers of each ticket exerted themselves to the utmost in behalf of their favorites. The Democratic ticket was successful by a majority of about nine thousand.

There are yet living men who recall the panic of 1857. There had been a long period of prosperity, money was plentiful and speculation was rife. Men who had what were called fortunes at that time, sought to increase those fortunes not by extending the legitimate business in which they were engaged, but by the more devious paths of speculation. Those of smaller means, naturally anxious to see them increased, emulated the example of the first-mentioned men, and the natural result followed in a financial crash. It is an anomalous condition of affairs that a surplus of money is a disadvantage to the country in which it is held. With long continued years of prosperity; a plenitude of money which may be had from the banks for the asking, conservative men become radicals and, forgetful of past caution, plunge into the pool of speculation. The smaller fish follow the larger and the panic follows both. It is the habit of the opposition political party to blame the party in power for all panics occurring during the latter's tenure of office, though politics, as a rule, has no more to do with panics than it has with the summer solstice or equinoctial storms. The people themselves are to blame for being led into speculative schemes which promise fortunes while you wait, but are never sufficiently explicit as to how long you have to wait. Thus it was that the people of Kentucky, as well as those of other states, brought upon themselves in 1857, a financial burden almost too heavy to be borne. Old and reliable business houses fell with a crash, and from the ruins of their fortunes many were never rescued; the newly formed banks in Kentucky met the common fate and were heard from no more. The older and more substantial banks withstood the strain "by the skin of their teeth" and happily emerged into the clearer financial day which afterward came, without a disastrous impairment of their capital. They had called in half of their paper while the storm was raging and when it had passed and the sun of legitimate prosperity was again shining, they found themselves at the head of the little financial world bounded by the Ohio valley. They had met every obligation in the day of stress and storm and had justly won the confidence of the people. Not for a moment had they suspended the payment of specie when demanded, even during the most distressing period of the panic. When this disturbance had passed into history, the business of these sturdy financial institutions, founded on the rock of confidence, was so extended as to require an increase of their circulation to the extent of five million dollars in the succeeding year.

Shaler in "The Commonwealth of Kentucky," says of this period: "As we must shortly pass to the consideration of the events that immediately preceded the Civil war, which made a new era in Kentucky history, it will be well to make a brief survey of the political and social conditions of the common-

wealth in the decade of 1850-60. So far, the life of Kentucky had been an indigenous growth, a development from its own conditions, singularly uninfluenced by any external forces. With only the germs of a society sown on this ground, there had sprung into existence a powerful commonwealth, that now, at the end of eighty years of time, felt strong enough to stand alone in the struggles that were soon to rage about her. No other state in the Mississippi valley—hardly any of the original southern states—had pursued its course with so little influence from external conditions. There had been relatively little contributions of population from other states, except from Virginia, North Carolina, Pennsylvania and Maryland, and but a small immigration from European countries since 1800. This made an indigenous development not only possible, but necessary. From 1774 to 1860, eighty-five years had elapsed. This period measures the whole of Kentucky history, from the first settlement at Harrodsburg to the beginning of the great tragedy of the Civil war.



Oldest House in Middlesborough

As before recounted, the original settlement and the subsequent increase of the Kentucky population were almost entirely drawn from the Virginia, North Carolina and Maryland colonies; at least ninety-five per cent of the population was from these districts. Probably more than half of this blood was of Scotch and North-English extraction—practically the whole of it was of British stock. The larger part of it was from the frontier region of Virginia, where the people had never had much to do with slavery.

"The total number of these white settlers who entered Kentucky in the first eighty-five years, cannot be determined with any approach to accuracy, but from a careful consideration of the imperfect statistics that are available; it seems reasonable to estimate the whole number of white immigrants at not more than 120,000, while the slave population that was brought into the state probably did not amount to one-third this number. In 1860 the white population amounted to 919,-484, and the slave population to 225,483; the

free black population to 10,684. Of the white population of this census, 59,799 were born beyond the limits of the United States. This element of foreign folk was, in the main, a very recent addition to the state. It was mainly due to the sudden development of manufacturing interests along the Ohio border, principally in the towns of Louisville, Covington and Newport, and to certain settlements of agriculturist Germans in the counties forming the northern border of the state. The foreign-born people had not yet become to any degree mingled with the native people, either in the industries or in blood.

"Before we can estimate the fecundity of this population, we must note the fact that from 1820, or thereabouts, down to 1860 and later, there was a great tide of emigration from Kentucky to the states that were settled in the other portions of the Mississippi valley. The southern parts of Ohio, Indiana and Illinois received a large part of their blood from Kentucky. Missouri was so far a Kentucky settlement that it may be claimed as a child of the commonwealth. Tennessee, Arkansas, Mississippi and Texas also received a large share of the Kentucky emigrants. The imperfect nature of the earlier statistics of the United States census makes it impossible to determine with any accuracy, the number of persons of Kentucky blood who were in 1860, residents in other states, but the data given makes it tolerably clear that the total contribution of Kentucky to the white population of the other states amounted in 1860 to at least one million souls. The increase in the black population was probably rather less than that of the white, but there is no data for its computation.

"If this estimate is correct, the fecundity of the Kentucky population in the first eighty years of its life, exceeds that which is recorded for any other region in the world. There are several reasons which may account for the rapid multiplication of this people. In the first place, the original settlers of Kentucky were of vigorous constitution; they were not brought upon the soil by any solicitation whatever, nor were they forced into immigration by the need of subsistence. Access to the country was difficult and for some decades the region was exposed to dangers from which all weak-bodied men would shrink. The employment of the early population was principally in agriculture upon soil which gave very free returns. There was plenty of unoccupied land for the rising generations, so there was no considerations of a prudential nature to restrain the increase of population. For a long time children were a source of advantage to the land-tiller and apart from pecuniary gain, there was a curious patriarchal pride in a plenteous offspring. The clime proved exceedingly healthy. There were no low-grade malarial fevers to enfeeble the body, and the principal disease of the early days, a high-grade bilious fever, though rather deadly, did not impoverish the life as the malarial troubles of other regions in the Mississippi valley have done. Thus, the first population of Kentucky was from the purest spring that ever fertilized a country, and there was little to defile its waters. The principal evils that beset the population were two—first, the excessive use of tobacco and alcohol, which doubtless did something to lower the vitality of the population; second, the extremely defective system of education which left the people essentially without the means of getting a training proportionate to their natural abilities.

"The institution of slavery tended to keep the industrial and the related social development confined within narrow limits. At the beginning of the century the state had an industrial spirit that was fit to compare with that of New England and the other northern free states. Many of the arts that were exercised by the whites took on a rapid advance, but the negro is not, by nature, a good general

citizen, nor could he be expected to develop his capacities in a state of slavery. Gradually manual labor, except in agriculture, became in a way discreditable and distasteful to the mastering race. The mechanical industries, except those of the simpler domestic sort, were generally abandoned, even before northern and eastern competition came in. This want of manufacturing life was by no means an unmitigated evil, for it kept the people in more wholesome occupation, but it served to restrain the growth of wealth on which the progress of education and the development of capital so much depends. The development of slavery was also marked by the progressive separation of society into a richer and a poorer class, though, from the failure of the slave element to increase with the rapidity normal in the more southern states, the effect was not as great as in those districts. The middle class of farmers in Kentucky—those who though fairly well-to-do, were not slave owners—always remained a very strong, in fact, a controlling element in the Kentucky population.

"Despite these hindrances to social development, the commercial advance of Kentucky in the first eighty years of her history, was marvelously great, especially as it was accomplished practically without the aid of any foreign capital whatever. This absence of immigrant capital in Kentucky in the first sixty or eighty years of its history, is something that well deserves to be considered in measuring the development of the state. Until the close of the Civil war, there was scarcely an improvement in the commonwealth that was not the result of the capital won by the people. In connection with this, it should be remembered that the expenditure of labor required to bring an acre of Kentucky land under tillage is many times as great as that required to subjugate prairie land. The mere felling of the forest and grubbing of the stumps require at least twenty days labor to the acre of ground.

"It requires a vivid imagination, or some personal experience, to conceive of the enormous amount of physical labor involved in the bringing of the forest land into a shape for



Birdseye View of Middlesborough

the use of civilized man. In all the northern states the work of subjugation and construction which is necessary upon new ground was, in good part, accomplished by the aid of capital that was brought into the country in its settlement. None of these outside aids were offered to Kentucky. The first settlers had little capital beyond the price of their lands, and a few household effects that could be packed on horses or wagoned over the mountains. All their wealth they had to win from the soil and from their little factories.

"Two circumstances greatly helped this people to establish the foundations of their wealth. The settlements at the mouth of the Mississippi afforded, in a very early day, a considerable market for certain products of the soil, especially tobacco. This plant, which had given a basis for the early commerce of Virginia, helped, in turn, the development of Kentucky. As early as 1790, there was a considerable shipment of this article. General Wilkinson, whose last shipments were in 1790, received, as was found in his court-martial, as much as $80,000, for a small part of his tobacco alone, from the Spanish agents, and he was only a pioneer in the business, which afterwards grew to be a great commerce, even before the cession of the Louisiana territory to the United States.

"In 1860, Kentuckians had already won nearly one-half of the state's surface to the plow. The remainder was still in forests. At no time had there been any pressure for means of subsistence upon the people. The soils of the first quality were now actively under tillage or in grass. Nearly one-third of the state was still covered with original forests, rich in the best timber, and the mineral wealth of the state was essentially untouched. The geological survey of Dr. David Dale Owen had shown that this country was extraordinarily rich in coal beds and iron ore deposits, but the state drew its supply of timber, coal and iron from beyond its borders. All its principal industries were agricultural, and its exports were raw products and men—exports, as has been well remarked, that naturally go out together, and to impoverish a country. Its growth of population was now, in the later decade of its existence, relatively slow; not that the people were less fecund than of old, but the trifling incoming of settlers along its northern borders did not in any degree replace the constant westward tide of emigration."

CHAPTER XLVI.

Not Bound up in Slavery—For Union and Constitution—Political Parties of 1860—Kentucky Dilemma—Advice of Kentucky and Greeley.

The public mind of Kentucky was filled with forebodings of danger and distress in 1860. A border state, lying on the Ohio river, it may be described as being the dividing line between the extreme north and the extreme south, perhaps it may be better stated as the conservative line between the extreme anti-slavery element of the northern states, and the "fire-eating" element of the slave-holding southern territory, which was ready to dare all, risk all, in defense of home rule, the right to control its own local affairs and, if you please to put it so, defense of "the peculiar institution," as some one had termed slavery.

Kentucky was a slave state, but slavery in its mildest form was the characteristic of the servitude. Indeed, there is scarcely a doubt that the majority of the better informed people of the state would have been pleased had there not been a slave within its borders. But the members of no considerable political party in the state had sympathy with the radical views of those who bore what was then the opprobious name of "Abolitionists." These latter were regarded as enemies to the government, who would not hesitate to destroy the constitution if they could thereby destroy also the institution of slavery. Wm. Lloyd Garrison, the sanest madman who ever stood upon the lecture platform for the destruction of slavery, declared the constitution of his country to be "a league with Hell and a covenant with Death." In these words, he recognized the contention of the slave-holding states that the constitution recognized and protected slavery. The south had never claimed more than this, and not all the eloquence of Garrison, Wendell Phillips, Charles Sumner or Henry Ward Beecher, the arch-enemies of slavery, could destroy the tremendous force of Garrison's admission. Wm. L. Yancey, the stormy petrel of the south, from his place in the senate, with all his forceful eloquence, voiced the sentiments of southern extremists and hurled defiance at those of the north whom he regarded as their natural enemies. Other southern statesmen, wiser and more conservative than Yancey, read the ominous signs of the times and sought in milder terms, and by compromise, to stay the rising tide. Kentucky, first-born of the Union, loved that Union and her statesmen, who from the very beginning of her statehood had taken high rank in the councils of the nation, pleaded for moderation. Mr. Clay, who through a long public career, had sought by compromise and concession, to preserve the Union intact and at the same time to conserve the rights of the states, had gone to his reward. Mr. Crittenden yet remained upon the field of active political endeavor and his powerful voice was always raised for the Union, but he never forgot the state which had honored him and which he had in equal measure, honored. By his side stood Kentuckians of lesser degree, and behind him stood Kentucky, that Kentucky which while yet in swaddling clothes, had aided George Rogers Clark to wrest an

empire's extent from savage foes and their no less savage associates, the British soldiery. Kentucky desired no dissolution of the Union it recognized the gravity of the situation and shuddered at that recognition. A dissolution, or even an attempt at dissolution of the Union, meant more to Kentucky than to any other state. Her geographical position made this true. Her heart was not bound up in slavery, but its every pulsation was for the constitution to which she had subscribed and in every principle of which the state sincerely believed. If slavery had to go, let it go, but in a constitutional manner, not by the force indicated by the abolitionists of the north, who recognized no law—no constitutional inhibition running counter to their theories. Had there been no Abolition party in the north there would have been no War Between the States, and it is believed that there would have been today, no man a slave over whom the flag of our country floated.

The disunionists of the north forced the hands of the disunionists of the south and brought to our country its unnumbered woes. These words are written by one who never saw the day when he believed in human slavery, yet who served in the Confederate army until that army no longer existed. He was opposed to slavery, but, in common with thousands of others, was a believer in the constitution of his country, and did not understand that anyone of the provisions of that instrument justified the destruction of the property rights of one section of his country by the fanatical force of another section. In other words, he, with the people of his state and of the south, believed that the states had rights in their property which the general government must respect, and that it had no more right to destroy that property than it had to adopt the Alien and Sedition Acts denounced by the Kentucky Resolutions of 1798-9.

While Kentucky's great heart beat true to the Union, her generous sympathies were in large part with her sister southern states, her own kindred, bone of her bone and flesh of her flesh. The day was fast approaching when a choice must be made. Either she must stand for a Union, the laws of which were to be made by a political party which knew southern sentiment only to deprecate and despise it, or she was to take her stand by those who were one with her in thought, affection and blood. The grandsons of Revolutionary heroes; the sons of the men of 1812, who had twice met and driven from our shores the battalions of England, had now a sterner alternative presented them. It was a dreadful ordeal confronting them and the result showed that it was even sterner than they thought. Upon a hundred battlefields her gallant sons contended before the dread conflict was ended and the question which had been asked a thousand times since our government was founded, had at last been answered.

Political parties, torn asunder by conflicting views, numbered in their membership today men who had but yesterday fought in the ranks or the leadership of opposing political forces. The Whigs who, for years had proudly dominated the politics of the state, who had sought through the American or Know Nothing party, to restore their waning political fortunes but without avail, disintegrating as a party, after the election of 1860, found refuge in the other existing parties—some going to the Democratic party, others to what came later to be known as the Union party, these latter finally finding a congenial refuge in the Republican ranks.

The Democratic party was no more fortunate than the Whigs. The latter named a presidential ticket headed by John Bell, of Tennessee, for president and Edward Everett, of Massachusetts, for vice-president. These appealed for support upon the shortest political platform ever submitted to the people, its simple terms declaring: "For the Union; the Constitution and the Enforcement of

the Laws." The ticket received so small a vote as to be a neglible quantity in the general result.

The Democratic party met in national convention at Charleston, South Carolina, having within itself the elements which foretold defeat. The southern element stood firmly for the doctrine of "State Rights" and refused to yield an iota of its views. The Republican party, which had absorbed the Abolitionists of the earlier days of opposition to slavery and which was wholly sectional or northern, having no constituency south of Mason and Dixon's line, had noted the weakness of the Whig or Union party, and the division in the hitherto dominant ranks of the Democracy, and gathering strength through the weakness of its opponents, had grown more arrogant and insistent upon the acceptance of its sectional views. Kansas and Nebraska, seeking admission into the Union, brought the slavery question to the front and into a more dangerous position than had ever before confronted the Union. Conservatives from the northern states joined with the southern men in congress in efforts to stay the gathering storm, but without avail. To add to the delicacy of the situation, the internecine war between the border residents of Missouri, most of whom were native Kentuckians, and the northern settlers of Kansas, showed no signs of intermission or conclusion. The "irrepressible conflict," which term was invented by Hinton Rowan Helper, of North Carolina, and afterwards adopted as his own by William H. Seward, of New York, had begun in Kansas its deadly work, which before its conclusion, was to drench our country in the blood of its young men; give a new meaning to the constitution of the United States and read into the history of the world a new power henceforth to be known as a Nation. Disguise it as we may; think of State Rights as we may; of the decisions of the supreme court as we may, the United States of today are a Nation to be reckoned with by all the world. It may be said that this condition came only after the war with Spain, yet it cannot be denied that the beginning was at Appomattox in 1865, if not at Fort Sumter in 1861.

When the Charleston Convention met in 1860, Stephen A. Douglas, a senator from Illinois, known as "The Little Giant of Democracy," who had but recently emerged from a political discussion with Abraham Lincoln, which had attracted the attention of the country and brought the latter into a prominence hitherto denied him, was the candidate of a wing of the Democratic party, who endorsed his views of "squatter sovereignty," which sought to solve the slavery problem by leaving to the settlers in any territory the right to vote upon the question as to whether or not slavery should exist therein. This idea appealed neither to the radical north nor to the now thoroughly aroused south, and resulted in a failure of the convention to make a nomination. Douglas, a man of great intellect and yet greater ambition, had long had his ambitious eyes upon the presidency, but his great desire to reach that eminency had led him "to palter in a double sense" with the people of the north and of the south. In the ruder language of the day, he had attempted "to carry water on both shoulders" and failed in the effort. In the fifty-seven ballots cast in the convention at Charleston he failed to receive the two-thirds vote required by the rules to secure a nomination and, no other candidate having received the required two-thirds vote, the convention adjourned to reassemble at a later date at Baltimore. It is a historical fact that at the Charleston convention, Benjamin F. Butler, of Massachusetts, of subsequent infamous memory in the south, cast fifty-three votes for Jefferson Davis of Mississippi, as the Democratic candidate for the presidency.

On the reassembling of the convention at Baltimore, a large portion of the southern delegates withdrew after registering a protest

against the action of the convention. Those remaining named Stephen A. Douglas, for president and Herschel V. Johnson, of Georgia, for vice-president, the selection of the latter being, of course, a bid for the southern support needed for the success of the ticket.

The delegates who withdrew from the convention nominated for president John C. Breckinridge, of Kentucky, and Joseph Lane, of Oregon, for vice-president.

The Republican party, in convention at Chicago, had named for the presidency, Abraham Lincoln, who was chosen over the men who had for years been recognized as the leaders of that party. For the vice-presidency, Hannibal Hamlin, of Maine, was nominated. This ticket was successful in the national election by an entirely sectional vote, and for the first time a Republican president was to sit in the chair of the chief magistrate of our country. In Kentucky, Bell and Everett received 66,016 votes; Breckinridge, and Lane, 52,836 votes; Douglas and Johnson, 25,644 votes, and Lincoln and Hamlin 1,366 votes, the latter vote showing the weakness of the anti-slavery element in the state at that time though the passage of time and the strange mutations of politics were to give the electoral vote of the state to William McKinley, the Republican candidate for the presidency in 1896, thirty-six years later.

With the announcement of the election of Mr. Lincoln the War Between the States was practically declared, and which was to end one phase of the negro question only to leave in its stead another and equally vexatious phase of the same question which yet remains to be solved, not by war nor perhaps even by statesmanship, but by the sound common sense of the people, north and south, as they come to know the problem and themselves better, and to trust each other more.

John C. Breckinridge while serving as vice-president, having been chosen on the ticket with Mr. Buchanan in 1856, had been elected a United States senator from Kentucky in December, 1859, before the division shown in 1860 had come to that party. The governor of the state, Beriah Magoffin, was also a Democrat. Thus the States Rights Democrats appeared to have control of the state and the power to direct its policies at this critical period, but this was only apparent on the surface. The presidential elections were held as now in November, but the state elections were then held on the first Monday in August quadrennially. At the August election held in 1860, for the choice of a clerk of the court of appeals, Leslie Combs, Union or Whig candidate, received 68,165 votes; Clinton McClarty, Breckinridge Democrat, 44,942 votes; and R. R. Bolling, Union Democrat, 10,971 votes, thus showing a Union or anti-Democratic majority of 34,194.

Professor Nathaniel Shaler, a native of Kentucky, a Union soldier, and for many years an honored professor at Harvard University, says of this result in his "Kentucky Commonwealth:" "It would not be proper to represent this feeling of the conservative party as an unqualified approval of the project of remaining in the Union without regard to conditions. The state of mind of the masses at this time is hard to make clear to those who, by geographical position, were so fortunate as to have their minds borne into a perfectly definite position in this difficult question of national politics. The citizen of Massachusetts or the citizen of South Carolina, surrounded by institutions and brought up under associations which entirely committed him to a course of action that was unquestionably the will of the people, had only to float on a current that bore him along. Whatever the issue might be, unity of action within his sphere was easily attained. Not so with the citizen of Kentucky. The commonwealth was pledged by a generation of conservatism, the sentiment of which had been repeatedly enunciated in



MAJ. GEN. JOHN C. BRECKINRIDGE

Former Vice-President, United States. Later, Secretary of War, Confederate States

county and state conventions and in many assemblies of the people. At the same time, if the Union should go to pieces utterly, what should she do to save her own staunch ship from the general peril? The ties of blood and of institutions bound Kentucky with the southern states which were soon to drift away from the Union. The pledge of political faith tied her to the fragment of the Union with which she had not much of social sympathy, and in which she could not expect much comfort. Surely, never was a people more unhappily placed. Out of this chaos of anxious doubt there came a curious state of mind which soon took shape and action. The general opinion of Kentucky was that the war was an unnatural strife which would necessarily result in the certain, though, as hoped, temporary disruption of the Union they loved so well. They did not believe that the states had a moral right to secede; on the other hand, they did not believe that the Federal government had the constitutional or other right to coerce them back into the Union. Their profound desire and preference was that the withdrawing states should be allowed to go in peace. She would stay where her pledges kept her and, after a sorrowful experience, she believed that her erring sisters would return to the fold. If the Federal government determined on what seemed to them the unconstitutional resort to arms to compel the states to return into the Union, Kentucky would have no part in the process. She would stand aloof, while both north and south left the paths of duty under the constitution, bidding them not to invade her soil with their hostile armies. In the wild talk of the time, this neutrality project of Kentucky was denounced as cowardly. There may be in the world people whom it would be proper to defend from this accusation, but not in this history. With Kentucky, this attitude was a sorrowful and noble, though, it must be confessed in the after light of events, a somewhat Quixotic position. In the rage of the storm almost ready to break in its fury upon the country, it appeared at the time a very rational standing ground. If war came into Kentucky, it would be internecine and fratricidal. It was not the fear of war for the losses and dangers it might bring; but our people did look with terror on the fight between friends and neighbors and brothers. They were justified in their own minds and will be justified in the reasonable opinions of mankind, in adopting what appeared to them would avert such war, and possibly enable them to stand finally as peacemakers between the hostile sections."

If this volume should happily fall into the hands of a future historian of our country, it is asked that he shall remember that the sober words just quoted, were written by a Kentuckian who served in the war as an officer of the Union army, and that they are quoted here with approval by another Kentuckian who wore the uniform of a Confederate soldier.

Attention is called to Professor Shaler's statement that the profound desire and preference of Kentucky was that "the withdrawing states should be allowed to go in peace." Those who remember that dark era in our history, will recall that Horace Greeley, a Republican and the greatest editor of that time, urged that the government "let the erring sisters go in peace."

It is the belief of this writer that had this advice of Kentucky and of Mr. Greeley been accepted by the government, the "erring sisters" as the latter termed them, would have long since returned to the Union, with slavery dead by the common consent of all the people, and that thus the horrors of internecine strife, the shedding of brother's blood by brother, the tremendous national debt and the horrors of Reconstruction might have been averted. There are those who took part on the one side or the other in that great contest,

who will not agree with this conclusion; who still believe that the question of human slavery brought to the front an "irrepressible conflict" which could be solved alone by the shedding of fratricidal blood, and to these the writer grants that right of opinion which he claims for himself. Whether they are right and he is wrong, does not matter now. The great battle has been fought; slavery is dead, and the writer of these words gives thanks to the God of Nations that no man can stand beneath the flag of this country and be a slave. No former Confederate soldier, worthy of the name and of the uniform he wore and honored, but will agree with this sentiment. And every true Kentucky soldier, no matter what the uniform he wore, but is proud, as was Professor Shaler, the Union officer, of the splendid record made by Kentucky's soldiers on every field where they appeared, it is believed will subscribe to this sentiment.

CHAPTER XLVII.

Crittenden's Proposed Compromise—Compromise Rejected—Kentucky's Efforts for Peace—Robert Anderson, of Kentucky—Kentucky's Stanch Unionism—Peace, but not Coercion—Extraordinary Legislative Session of '61—Supports Virginia Peace Conference—Colonels Jacob and Wolford—Special Session Continued—Typical Breckinridge Family—Active War at Last—Anderson Drops from Sight—Governor Between Two Fires—Kentucky's Status in the Union—Her "Mediating Neutrality"—Reassembling of 1861 Legislature—Crittenden as Mediator—Kentucky Houses Disagree—Proclamation of Mediation—Legislature's Impressive Adjournment—The Parting of the Ways.

Those were gloomy days when on the first Monday in December, 1860, congress assembled. Not for many years to come was another congress to assemble in Washington with every state represented. The record of the intervening years was to be written in crimson letters upon the battlefields of a divided country, and before the representatives of many of the states then present would in their own persons or those of their successors, again be seated there, a great war would be fought and a veritable saturnalia of thievery be inaugurated in certain of the states under the name of Reconstruction, when the carpet-bagger and the "scalawag," combining with the negro just released from bondage and the cotton field, would saddle upon stricken states financial burdens under which they yet stagger though the sun of prosperity has again shone upon them.

When the congress met President Buchanan, beset by such conditions and difficulties as no president before him had known, found himself at sea, the chart and compass of the constitution not affording him apparently a safe way out of the troubles that daily grew around him. The southern states, or certain of them, made no secret of their intention to secede from the Union. In his message to congress he recognized these conditions, but, while declaring that the right of secession did not exist within the states, he found no authority in the Federal government to prevent it. While it may have added to his fame to have taken a firmer stand against secession, it would not have prevented it. The extreme southern states were determined; their minds had long been made up and they cherished the hope that the border states, such as Kentucky, Missouri and Maryland, would be one with them in the determination to withdraw from the Federal Union.

The message of Mr. Buchanan, in the then inflamed state of the public mind, was the object of bitter attack. Kentucky through her venerable and able senator, John J. Crittenden, ever hopeful of a peaceful solution of the great question at issue, praised the peaceful tone of the message while not wholly approving all of its features. Mr. Crittenden longed for peace, since, with prophetic eye, he saw what war would mean not only to Kentucky but to the whole country. He pleaded for a judicial rather than a passionate

attitude in his efforts to stay the awful storm about to break upon the country, declaring the Union to be worthy of great sacrifices and great concessions. To the senate, he said: "I trust there is not a senator here who is not willing to yield and to compromise much in order to preserve the government and the Union." The sentiment of his speech to the senate is shown in these fragmentary sentences: "I will waive any remarks I might have been disposed to make on the message. I do not agree that there is no power in the president to preserve the Union. To say that no state has the right to secede and that it is a wrong to the Union, and yet that Union has no right to interpose any obstacles to its secession seems to me altogether contradictory."

Subsequently, Mr. Crittenden in a second speech in the senate, showed the depth of his heart interest in the spirit of compromise. He had stood with the illustrious Clay in favor of compromise measures when the storm was gathering, and, now that it was about to break upon the country, he still hoped to avert it and prevent its ravages. On December 18, 1860, he explained his plan to the senate and here McElroy's "Kentucky in the Nation's History" is quoted. Senator Crittenden said: "I have endeavored by these resolutions to meet all these questions and causes of discontent by amendments to the constitution of the United States, so that the sentiment if we can happily agree on any, may be permanent and leave no cause for future controversy. These resolutions propose then, in the first place, in substance the restoration of the Missouri Compromise, extending the line throughout the territories of the United States to the eastern border of California, recognizing slavery in all the territory south of that line and prohibiting slavery in all the territory north of it; with a proviso, however, that when any territories, north or south, are formed into states, they shall then be at liberty to exclude or admit slavery as they please, and that, in one case or the other, it shall be no objection to their admission into the Union.

"I propose also that the constitution shall be so amended as to declare that congress shall have no power to abolish slavery in the District of Columbia, so long as slavery exists in the states of Maryland and Virginia, and that they shall have no power to abolish slavery in any of the places under their special jurisdiction within the southern states.

"These are the constitutional amendments which I propose. There are other propositions in relation to grievances and in relation to controversies which I suppose are within the jurisdiction of congress and may be removed by the action of congress. I propose in regard to legislative action, that the Fugitive Slave law, as it is commonly called, shall be declared by the senate to be a constitutional act in strict pursuance of the constitution. I propose to declare that it has been decided by the supreme court of the United States to be constitutional, and that the southern states are entitled to a faithful and complete execution of that law, and that no amendment shall be made hereafter to it which will impair its efficiency.

"I have further provided that the amendments to the constitution which I here propose, and certain other provisions of the constitution itself, shall be unalterable, thereby forming a permanent and unchangeable basis for peace and tranquility among the people."

Turning then to the southern senators, Mr. Crittenden asked: "Can you ask more than this? Are you bent on revolution; bent on disunion? God forbid it! I cannot believe that such madness possesses the American people. This gives reasonable satisfaction. I can speak with confidence only of my own state. Old Kentucky will be satisfied with it and she will stand by the Union and die by the Union, if this satisfaction be given."

After his impassioned appeal to his brother southern senators, Mr. Crittenden might well

have turned to the extremists among the northern senators and asked them, too: "Can you ask more than this? Are you bent on revolution; bent on disunion?" From them had they answered from the depths of their hearts, that answer would have been that they welcomed dissolution and disunion, could they by these destroy slavery. By no means does the burden of the war rest upon the south. For years there was a party in the north bent upon the destruction of slavery by whatever means, and it hailed the day when it had goaded the south into armed opposition to its methods and its studied incentives to the conflict which followed the election and inauguration of Mr. Lincoln.

The Senate "Committee of Thirteen" raised on motion of Senator Lazarus W. Powell, of Kentucky, to consider measures of compromise and pacification, comprised among its members both the Kentucky senators, an unusual but a deserved honor. To this committee, Mr. Crittenden presented his resolutions as above outlined. Most of the Democratic senators thought that they saw in them an opportunity for the successful adjustment of the pressing sectional differences, but the Republican members considered them as yielding too much to the south and they were rejected. The day for concessions, for compromises, indeed for statesmanship had passed; the day for the mailed hand of the soldier was dawning, and not all the senates that have sat from the beginning of constitutional government, could avert the strife about to burst upon our country.

It is idle now to speculate upon the answer of the country to the Crittenden Compromise, had it been submitted to the people. Rhodes in his "History of the United States" declares: "No doubt can now exist and but little could have existed in January, 1861, that if the Crittenden Compromise plan had been submitted to the people, it would have carried in the northern states by a great majority; that it would have obtained the vote of almost every man in the border states, and that it would have received the preponderating voice of all the cotton states but South Carolina."

Perhaps these conclusions of Mr. Rhodes are correct and that the Republican senators who opposed the Crittenden Compromise, knew the conditions to be as he describes them, and therefore opposed the compromise in the Committee of Thirteen.

The *Cincinnati Enquirer* of July 3, 1861, declares that "the whole south, save South Carolina, would have adopted Crittenden's Compromise. It is written down in stern and inexorable history that the Republican party would not accept these propositions." President Buchanan's friends are said to have attempted to persuade Mr. Lincoln to approve Mr. Crittenden's compromise proposals. Mr. Lincoln is said to have replied: "I am for no compromise which asserts or permits the extension of the institution (of slavery) in soil owned by the nation."

The resolutions of Mr. Crittenden, when presented to the senate, were rejected by a majority of thirteen. On the 8th of January, 1861, the anniversary of the battle of New Orleans, ever since 1815 known in Kentucky as "Jackson's Day," a convention of Constitutional Union men, made up of representatives of both the leading parties in Kentucky, met in Louisville and endorsed the Crittenden Compromise, deploring the existence of a Union which could only be held together by armed power. Nine days later the state legislature was convened in extraordinary session by a call from Governor Magoffin. On assembling, a resolution was adopted inviting a national convention to consider measures of peace and conciliation. The legislature also declared "the unconditional disapprobation of Kentucky of the employment of force in any form against the seceding states."

At a later date, when resolutions had given

way before the stern demands of arms, men who had together voted for the adoption of these resolutions, met each other on the field of battle wearing the uniforms of the opposing forces.

On January 25th, the general assembly adopted a resolution calling upon congress to call a national convention to consider amendments to the federal constitution in acordance with the fifth article of that instrument. On the 29th of the same month, they appointed six commissioners to a Peace Conference to be held in Washington February 4th. This convention assembled, remained in session twenty-three days and adjourned without having reached any results looking towards peace.

Kentucky had done her part in every effort to that end. Crittenden and Powell in the United States senate; the leading men of all parties in convention at Louisville; the general assembly at Frankfort; the Peace Commissioners at the Kentucky Peace convention of twenty-one states, at Washington, all these had vainly sought for peace; had offered from their wisdom and from their hearts, every concession possible to be made to avert the horrors of civil war, and all without avail. There was not a man of those Kentuckians who had given their best efforts in the interests of peace who did not recognize what war would mean to Kentucky; they knew that families would be sundered; that father would oppose son upon the field; that brother would meet brother in hostile array and that for these reasons, the usual horrors of war would be a thousand-fold intensified for Kentucky. Hence they sought peace by offering compromise; they sought peace by offering everything save honor, and when the die was cast, when war had come, Kentucky's sons made their choice and going with the colors of their hearts, won new honors and renown upon a thousand battlefields which they hallowed by their blood; and today, Kentucky, proud of her soldier sons, regardless of the uniforms they wore, holds them in grateful remembrance and like the heroic mother of old, points proudly to them, saying: "These are my jewels."

The idea that there could be a war in this country with Kentucky out of it, had something of the grotesque about it. As if to emphasize this fact, Major Robert Anderson, born in Jefferson county about ten miles from Louisville, was ordered to the command of the United States forces at Fort Moultrie in Charleston harbor in November, 1860. Subsequent events brought this officer into command at Fort Sumter when the first gun of the war was fired; thus Kentucky, which had sought immunity from war through her plea for neutrality, was actually one of the important participants in the very first action of the war she vainly hoped to escape. "It is Fate" says the mystic of the Far East, when trouble encircles him, and the people of Kentucky, loving the union of their fathers and the south of their kindred, might well be pardoned if in this extremity, they had folded their arms and, with the stoicism of the savages whom they had evicted from their original homes, had declared: "Let Fate do its worst; we will follow the dictates of our hearts and consciences."

History was made rapidly in those days. December 27, 1860, Major Anderson spiked the guns at Fort Moultrie, burned the inner works of the fort, and transferred the garrison to Fort Sumter on an island at the mouth of Charleston harbor. In response to an inquiry from the secretary of war as to why this movement was made, Major Anderson replied: "I abandoned Fort Moultrie because I was certain that if attacked, my men must have been sacrificed and the command of the harbor lost. If attacked, the garrison would never have surrendered without a fight." McElroy, falling into the unsupported charges against John B. Floyd, secretary of war in the cabinet of Mr. Buchanan, says that Floyd at

this time "was using his high office in the interest of the cause of disunion." It is easy to make such charges as this, but more difficult to establish them. McElroy makes no effort to prove the correctness of this claim and one is left to believe or disbelieve it, as his sympathies may be with the people of the south or with the Union. In the absence of anything beyond mere assertions written years after the incidents involved, one may be excused from subscribing to the correctness of the charges of which there is no substantial proof.

While commissioners from South Carolina were in Washington seeking in vain for a conference with Mr. Buchanan, the possible fate of the Crittenden Compromise measures was causing suppressed excitement in Kentucky. The people of the state, regardless of past political affiliations, thought, very justly, that at such a crisis as now confronted the Union, these measures should come out of committee and be openly debated in the senate. They believed, as they had a right to believe, that they were entitled to know who favored and who opposed this effort to save the Union intact and thus evade the horrors of an internecine war. Perhaps a majority of the people, while believing abstractly in the right of secession, were too ardently devoted to the Union of their fathers to vote for a separation from that Union. Mr. Justice Harlan, of the supreme court of the United States, one of Kentucky's most distinguished sons, who had commanded a regiment of troops in the Federal army, said at a later period: "I confidently assert that there was no moment during the war when a decided majority of the people of Kentucky were not unalterably opposed to a dissolution of the Union under all circumstances and whatever might be the result to the institution of slavery."

Notwithstanding this statement from one of her sons, who has for so many years honored his native state upon the highest judicial tribunal in the world, it is nevertheless a fact that when the people of Kentucky sought at the polls to register their will, they were confronted with bayonets and paid the penalty of a free expression of their will, in arrest and imprisonment.

The historian of today is impressed with conflicting emotions typical of the conditions of the period of which he writes. The views of Mr. Justice Harlan, entitled to the highest respect, have just been stated. Gen. George B. Hodge, of the Confederate army, a Kentuckian, says of this period and of the people of the state: "Their loyalty was nearly akin to the religious faith which is born in childhood, which never falters during the excitements of the longest life and which at last, enables the cradle to triumph over the grave. The mass of them did not reason about it. The Union was apotheosized. The suggestion of its dissolution was esteemed akin to blasphemy, to advocate or speculate about it was to be infamous."

But before an appeal to arms, Kentucky, schooled by Henry Clay, who sought by compromise to bring the dissonant sections of the Union to agreement, and whose successor, Mr. Crittenden, endeavored by the same efforts to prevent a dissolution of the Union—Kentucky would have every effort to that end put to the test. In the Crittenden resolutions, the people of the state believed they saw a peaceable and an honorable solution of the great questions confronting them. It was not the men who had voted for Bell and Everett or for Douglas and Johnson who alone hoped for this consummation. The men who had supported Breckinridge and Lane were as profoundly interested as those who had opposed that ticket. These men knew that if the supreme test of war came they would find themselves in the ranks of one of the armies as soldiers confronting their own kindred in the opposing army. No other state had so serious, so poignant a question to decide. The

great heart of Kentucky was torn by conflicting emotions, and one who was a minor part of the movements of that day finds it difficult to transcribe here the emotions of the people who found themselves divided along personal as well as political lines.

While awaiting action by the senate upon the Crittenden resolutions, a convention of men of all parties, met January 8th, in Louisville, and adopted the following resolutions:

"We recommend the adoption of the propositions of our distinguished Senator, John J. Crittenden, as a fair and honorable adjustment of the difficulties which divide and distract the people of our beloved country. We recommend to the legislature of the state to put the amendments of Senator Crittenden in form and submit them to the other states."

This protest, made in the name of over ninety thousand Kentuckians, as stated by McElroy (who fails to say whence came the authority for his statement that it was made "in the name of over ninety thousand Kentuckians") was unheeded, the United States senate a week later, disposing of the Crittenden resolutions, by adopting as a substitute therefor—a resolution declaring, "that the provisions of the constitution are ample for the preservation of the Union; that it needs to be obeyed rather than amended." The senators of the Northern states seemed to desire a war and as conditions appeared to put upon the southern states the onus of bringing about that war, they complacently sat in their places; declined to accept any compromise, no matter what its terms, and calmly awaited an overt act upon the part of the south which they could claim as a justification of their own action or lack of action.

When the Kentucky legislature met in extraordinary session, on January 17th, Governor Magoffin said in his message to that body: "The special purpose for which the legislature has been called into extra session is that you may consider the propriety of providing for the election of delegates to a sovereignty convention to be assembled at an early day, to which shall be referred for full and final determination the future of Federal and interstate relations of Kentucky. This commonwealth will not be an indifferent observer of the force policy—the seceding states have not, in their hasty and inconsiderate action, our approval, but their cause is our right and they have our sympathies. The people of Kentucky will never stand with arms folded while those states are struggling for their constitutional rights and resisting oppression, or being subjugated to an anti-slavery government. The idea of coercion when applied to great political communities, is revolting to a free people, contrary to the spirit of our institutions, and, if successful, would endanger the liberties of the people."

The message further urged the legislature to strengthen the State Guard forces, already a decided military arm of the state and to take a stand against "the employment of force against the seceding states."

McElroy, the historian, and a very able one, himself a Kentuckian, seems to have been unable to consider any other than the Federal side of the conditions existing at this period. Of Governor Magoffin's message he says: "Its tone indicates the very natural belief on the part of the governor, that a legislature which had chosen John C. Breckinridge to the United States senate would not hesitate to advocate the principles for which his party stood, although the people of their state, in their vote for president, had positively rejected them." Mr. McElroy writes in the light of today; in the light of after events and results. The words that are written here are in the light of the days, the events of which are given by one who was a part in an humble way, of those events and who saw, with his own eyes, the results which followed.

Kentucky showed her indisposition to be considered inimicable to the Union during

this session of the legislature when by a formal vote, it was ordered that the national flag be displayed over the capital during the session. This was really an unnecessary order as it was then as it had long been, the custom to display the colors upon the building when the legislature was in session. But the public was nervous, tense, sensitive, and every movement was closely scrutinized, every motive criticised. The national flag flew from the capital during the war, save for the brief period in 1862 when the Confederate army under General Bragg, occupied a considerable portion of the state. On January 21st, George W. Ewing, of Logan county, proposed two resolutions which are declared by McElroy as of "a dangerously menacing character." The first of these resolutions which received unanimous support could not, therefore, have been menacingly dangerous, else it would not have received the votes of those who were known as Union members of the general assembly. This first resolution expressed strong disapproval of the recent action of the states of New York, Ohio, Maine and Massachusetts in sending men and money to the president of the United States, "to be used in coercing certain sovereign states of the south into obedience to the Federal government."

Remember, now, that this resolution was unanimously adopted, not a vote of a Union representative or senator being recorded against it. The men who had voted for Breckinridge for president or for United States senator cannot be charged with responsibility for the adoption of this resolution, since the Douglas men, and the Bell men in the general assembly had joined with them in its support. Of course, there were not then in that body any of the men who had voted for Mr. Lincoln. The time had not yet come for them to sit in "the seats of the mighty" in Kentucky, but it was to come and that too at an earlier day than was imagined by the politicians of that period.

The second of the resolutions moved by Mr. Ewing, which was adopted in the house by a vote of eighty-seven yeas to six nays, requested Governor Magoffin "to inform the executives of each of said states that it is the opinion of the general assembly, that whenever the authorities of these states shall send armed forces to the south for the purpose indicated, the people of Kentucky, uniting with their brethren of the south, will as one man, resist such invasion of the south at all hazards and to the last extremity."

The tone of these resolutions, which were drawn in joint form, does not breathe of that neutrality which was soon to be proposed. To the contrary, their predominant element is pugnacious, breathing of war and bloodshed. Being drawn in joint form, it was necessary that these resolutions, after adoption by the house, should be sent to the senate for its approval. The Unionist senators in that body, fearing the result of a direct vote upon the latter resolution, endeavored to prevent action upon it by pressing to the front other and less dangerous questions. To that end, they took up the resolutions of the Virginia legislature calling for a Peace Conference to be held in Washington, February 4th. Virginia, in inviting Kentucky to join in this conference, had stated its willingness to accept the terms of the Crittenden Compromise. By the unanimous vote of the senate and an almost unanimous vote of the house, the resolutions were adopted; six Kentucky delegates to the conference were appointed; $500 appropriated for the expenses of each of them; they attended the conference; as previously stated herein, no good results followed and the commissioners came home to face conditions even worse than those existing when they went to the conference. But the Unionists had prevented action by the senate on the Ewing joint resolution and had gained that much, though it had but small effect upon individual citizens of the state, who followed their own in-

clinations regardless of state or federal legislation. It was a time when the citizen had to think for himself and think quickly too. If he did not happen to think in favor of the subjection of the southern states to federal authority, he was apt to find himself first an object of suspicion, and ultimately an inmate of a prison, whither went many prominent non-combattant citizens of Kentucky during the troublous days of 1861-5.

The Unionists in the senate had been successful in forestalling the resolutions of Ewing and of the calling of a Sovereignty Convention. They had defeated the adoption of any partisan resolutions. R. T. Jacob, a Union party man, and an excellent citizen, had introduced a resolution declaring: "That the proper position of Kentucky is that of a mediator between the sections, and, that as an umpire she should remain firm and impartial in this day of trial to our beloved country, that by her counsels and mediation she may aid in restoring peace and harmony and brotherly love throughout the land."

This resolution was never brought to a vote, though it is difficult to understand, at this late day, why the men who called themselves Unionists should have hesitated to vote for its adoption.

R. T. Jacob, the author of this resolution, was a man of the highest character. He was closely related by blood to Gen. Zachary Taylor, the real hero of the war with Mexico, and subsequently president of the United States. Finding his efforts in the general assembly to be of no effect, Mr. Jacob quitted the field of civil endeavor and entering the volunteer service became colonel of a regiment of Kentucky cavalry which gave much active service to the Federal cause. While serving in the field he was nominated for and elected to the position of lieutenant governor of the state. While filling this honorable position with loyalty to his native state and with equal loyalty and affection to the Federal government, Colonel Jacob was arrested by the Federal authorities and sent through their lines into those of the Confederate army. Colonel Jacob's offense is supposed to have been his denial of the proposition that the war was waged for the purpose of freeing the negro, rather than for the restoration of the Union.

Col. Frank Wolford, a very gallant gentleman and soldier, who also commanded a regiment of Kentucky cavalry in the Federal service, shared the experience of Colonel Jacob, and was like him, banished by the military authorities into the Confederate lines. Colonel Wolford was possessed of a very active and unique imagination and his recital of his experiences within the Confederate lines, would enliven the pages of this work, the limitations of which, it is regretted, will not permit such recital.

Returning to the special session of the legislature, it may be stated that it had been adjourned without any permanent results being attained. On March 20, 1861, it reassembled with what have been termed the Unionists still fighting for inaction and delay. Some have claimed that this inaction was the result of a fear that on a final vote, the Ewing resolutions, or an equivalent, would be adopted. McElroy, who, unfortunately for the historian, seems unequal to seeing other than the Union side of the question, says: "The fight for delay and inaction was reopened by the Unionist leaders, who were still determined to prevent precipitate action and to allow the people to settle the question of Union or Secession at the coming election."

The situation was of the most delicate nature. During the legislative recess Mr. Lincoln had been inaugurated as president of the United States—unfortunately united only in name—and Mr. Davis had been accorded like honors as president of the Confederate states. The elevation of these two distinguished sons of Kentucky to the highest honors in the governments which each represented, had not

tended to lessen the tense strain under which the minds of the people of Kentucky existed.

The legislature invited prominent men to address it. Every one wanted something done to avert the coming struggle; no one knew what was best to be done. Old men, whose fathers had fought with Washington to establish the Union, pleaded with their hot-headed sons to do nothing to disrupt that Union; other men who had fought with Jackson at New Orleans, or with Taylor and Scott in Mexico, stood ready to buckle their swords about their sons and send them forth to battle for the south. No man of today who did not live in those days can understand or appreciate what the situation was.

The experiences of a single family—one of the most distinguished in the state—may suffice to illustrate the condition of affairs. The father, a very distinguished minister of the gospel, was the intimate friend and adviser of Mr. Lincoln in all affairs pertaining to Kentucky. Of his four young sons, two joined the Union army, one of these to die early in his honorable service under the stars and stripes, the other to survive the war in which he served brilliantly, retiring from active service long after the war had closed, as inspector general of the United States army. He yet lives to do honor to the illustrious line from which he sprang. The other two sons went into the southern army, one of them for a time as a major of cavalry, later to become one of the representatives of Kentucky in the Confederate congress. The other served as the gallant colonel of a regiment of Kentucky cavalry in the Confederate command of Kentucky's other brilliant military son, Gen. John H. Morgan. When the war had closed and the restrictions the legislature had put upon those who served the Cofederate states had been removed, this brilliant son of a Union man went into the congress of the United States, where during his long years of service he established a reputation for oratory that has not been surpassed nor equalled by any who have come after him. So closely identified with the history of Kentucky from the days of John Breckinridge and the Resolutions of 1798-9 has been the family of which mention is here made, no excuse is necessary for stating that the four young men here mentioned were the sons of the Rev. Robert J. Breckinridge, of Kentucky, whose stanch devotion to the Union was equalled, but not surpassed, by his attachment to the Presbyterian church, of the pulpit of which he was during his long and useful life one of the brightest lights. This distinguished family was but a type of many others who found themselves thus divided, even the father being in one or the other army while his sons wore the uniform of the opposing forces.

It is not a matter for surprise that the legislature hesitated before taking final steps. Many of the men who sat in that body in the early Spring of 1861, counseling with each other as to the best means for bringing peace to a distracted country, afterwards met as foes upon the battlefield when the days of attempted conciliation had come and gone and had finally given way to the appeal to arms.

The legislature invited Mr. Crittenden, whose term as senator had expired, to address a joint session of the house and senate. The fine old man, who had striven for peace in the national senate, came and made his final plea to the people who had long delighted to honor him. "It would be wisdom in us never to consider the question of dissolution. It is not a question to be debated" were the conclusions at which he had arrived and with which he concluded his temperate appeal.

Later John C. Breckinridge, who had just surrendered the vice-presidency to his successor, the Hon. Hannibal Hamlin, was invited to address the joint assembly. Mr. Breckinridge, whose splendid presence was itself an appeal for any cause which he espoused, presented the cause of the south

with all that eloquence which has so long characterized the name of Breckinridge in Kentucky. He pleaded not for secession but for peace, if it could be secured without sacrificing what he and many who heard him, regarded as the inalienable rights of the southern states, including, of course, Kentucky.

Nothing tangible came of these addresses. Those who heard them did so with the fullest respect for the distinguished men who had spoken, but each was of the same opinion as before.

It was finally decided to invite the border states to send representatives to a Peace Conference to be held in Frankfort, May 27, 1861, provision being made for the election of twelve delegates for Kentucky. The legislature then adjourned.

The Unionists had triumphed in-so-far as they had blocked the plan for a Sovereignty Convention, but it was a triumph which events proved to be of no great moment. The question seemed to be left open for a decision by the people at the ensuing August election.

But a higher power than a mere state legislature or, indeed, the votes of the people of a state, intervened and changed the entire aspect of affairs. What had been merely speculative, within a few hours became a reality, and men who had considered what they would do with possibilities, were called upon at a moment's notice to deal with actualities.

Major Anderson at Fort Sumter, knew with a soldier's prescience, that his position there was not tenable, should the South Carolina forces conclude to storm it. He had a certain limited intercourse with the city of Charleston, but on April 7th, General Beauregard, in command at Charleston, notified him that this would no longer be permitted. Mr. Lincoln promptly stated on the next day that, if necessary, supplies would be sent to Major Anderson. Matters were approaching a crisis. Peace Conferences amounted to but little when their deliberations were likely to be disturbed by the sounds of opposing artillery.

The hour had struck. At 4:30 A. M., April 12, 1861, a shell from a mortar in the Confederate works, rose high in the air and curving in its course, burst almost directly over Fort Sumter. The last echo of that first gun has not yet been heard in our country, nor will it be until through statesmanship or other means, the "negro question" has been solved. The bombardment of Fort Sumter continued for twenty-four hours, at the end of which time, Major Anderson, the gallant Kentucky commandant, hauled down his flag. He negotiated terms of surrender, honorable alike to him and to those who granted them. No other military action in the history of the world has meant so much as this. Undergoing a bombardment of twenty-four hours, returning shot for shot, no man in the fort which was dismantled about him, was injured, nor was there one in the attacking forces. When Major Anderson was preparing to salute the colors under which he had so long served and under which he had gallantly resisted attack on the fort until it was no longer tenable, he, by the gracious consent of the men who had overpowered him, was granted the privilege of "saluting the colors;" and in this ceremony a gun was burst and one of the gallant fellows who had done his duty in defense of the fort and his flag, was killed. Major Anderson was permitted to transfer his gallant garrison to a transport which sailed for New York.

To one proud of the history of Kentucky; justly proud of the record its sons have made upon every battlefield where they have served, it is difficult to understand why Major Anderson, who did his whole duty at Fort Sumter, should have been ignored in the after events of the war. The shot fired at Concord in the Revolution, which Emerson, in immortal verse, has told, was "heard around the world" was not more important than the shots fired

at Charleston to which Anderson bravely made response until Fort Sumter was a mass of ruins, yet history tells but little of Anderson after his heroic deeds in Charleston harbor. As a brigadier general he came, for a time, back to his native Kentucky, with his headquarters in Louisville, in the county in which he was born, and then all sight of him was lost. He was merely a soldier and knew not the ways of politicians, else his place in the history of his country might be higher today than that of some of those who had never heard a hostile gun fired at the time when he was defending his country and his people.

The next day after the firing upon Fort Sumter, Mr. Lincoln issued his proclamation calling for seventy-five thousand volunteers for use against the insurgents, as the Confederate forces were termed. The latter were commanded to return to their allegiance within twenty days, but it required four years for them to hearken to this command.

On April 15th, President Lincoln, through Simon Cameron, secretary of war, called by telegraph upon Governor Magoffin for "four regiments for immediate service." The governor, unhampered by the presence of the legislature, which had adjourned its extraordinary session on the 4th of April, replied to this demand.

"Your dispatch is received. In answer, I say, emphatically, Kentucky will furnish no troops for the wicked purpose of subduing her sister southern states."

How very little the governor knew of what the near future was to show and how, within a few short months, the gallant sons of Kentucky were to confront each other upon the field of battle and how each contending regiment, whether under the flag of the Union or the Confederacy, was to add to the glorious record which Kentucky's soldier sons have made upon every field where they have contended.

This response of the governor to the demand for troops to be used against the south could have no other effect than to encourage the young Confederacy to believe that Kentucky would cast her fortunes with her sister southern states. L. P. Walker, the Confederate secretary of war, sent to Governor Magoffin the following message:

> "Your patriotic response to the requisition of the president of the United States for troops to coerce the southern states justifies the belief that your people are prepared to unite with us in repelling the common enemy of the south. I therefore request you to furnish one regiment of infantry without delay to rendezvous at Harper's Ferry, Virginia."

The governor was no more prompt in furnishing this one regiment requested by the Confederate secretary of war, than he had been to send the four demanded by Secretary Cameron. The regiment went forward to Virginia, however, under the command of Colonel Blanton Duncan, of Louisville, but it went upon its own initiative and not that of the governor. The latter, while in positive sympathy with the southern states, hesitated to take a step which would bring Kentucky into the vortex of war. In his inaugural address, looking forward with prophetic vision, he had warned the people of the dangers of the immediate future. He told them that "with seven hundred miles of territory bordering on the free states, Kentucky must think calmly and act with discretion In the event of a separation of these states then indeed would she be baptized in blood and fire, with the significant title first won by our forefathers of 'the dark and bloody ground.'"

While declining to furnish troops for either army, Governor Magoffin was not unmindful of the duty of placing Kentucky in a state of defense. He was confronted at the very beginning of these efforts by a lack of money. As had been stated, the legislature had adjourned, but during the session, that body had made no adequate appropriation for military purposes. Either of the opposing military

forces could, without restraint, march upon her soil, and even if it should be desired to oppose such force, it could not be done adequately with the State Guard forces then in existence; but, to the credit of this force, made up of the best young men of the state, it should be stated that when the final alignment was made and each took his place under the flag of his choice, the service rendered was a credit to Kentucky.

The governor called upon the banks to aid him, but the response was not encouraging. Small loans were tendered by some of them, but the majority showed little disposition to lend money to the state. The times were not propitious for such loans. Business was disturbed and uncertain; no man knew today what tomorrow would bring forth. The horrors of a war between men of the same blood was something the people had not permitted themselves to contemplate. The Bank of Kentucky, a sturdy and most conservative institution, agreed to furnish a loan (her quota), but upon the express condition that the fund so loaned should be used exclusively "for arming the state for self-defense and protection, to prevent aggression or invasion from either the north or the south, and to protect the present status of Kentucky in the Union."

Kentucky's status in the Union was that of one of the sovereign states of that Union and, at this day, it seems to an unprejudiced observer, that if she was to preserve that status, she should do nothing that would interfere with the authorities of the Union in their efforts to prevent the destruction of that Union. But the state wished to be neutral; there can be no denial of that fact, however untenable the position may have been. Elsewhere in this work, there is reference to these facts. The governor sympathized with the south; he was an honest and sturdy States Rights man, but he never forgot for a moment that he was the governor of his state, and he eagerly embraced the idea of neutrality in its strictest sense. This impracticable idea, as it proved to be, had its basis, in sound reason. Those who supported it, hoped that if the border states would all firmly hold to the position taken by Kentucky, there might be a compromise finally effected and war averted. How mistaken was this idea is now easily to be seen. In those days, men caught at straws in the hope of saving their country from suffering. Men who for months were the sturdiest supporters of the idea of neutrality, when the die was cast were first among the soldiers whom Kentucky gave to the War Between the States. They did not want war; they pleaded for peace, but when war came, they did as Kentuckians have ever done in war's presence—they buckled on their swords and added new laurels to those the sons of the state had won on other fields than those at home.

Hoping almost against hope, Governor Magoffin wrote to the governors of Missouri and Tennessee, General Simon Bolivar Buckner, then inspector general of the Kentucky State Guard, acting as his special messenger. General Buckner found the executives of these states to hold similar views to those entertained by Kentucky, the governor of Tennessee favoring "mediating neutrality." On May 1, 1861, Governor Magoffin invited the governor of Indiana and Ohio to join him in a plan for mediation between the Federal government and the seceding states, urging that if a truce could be obtained until congress could be assembled, a way might be found for peacefully adjusting existing difficulties. Governor Dennison, of Ohio, declared in his reply to the invitation, that the Federal government was wholly in the right and the only solution he recognized was a return of the southern states to their allegiance. Governor Morton, of Indiana, read a lecture to Kentucky in his response, declaring that the state was bound to obey the requisitions for troops

made upon her by the president, at the same time intimating that the state would do herself more credit if, instead of posing as a mediator, she should take her place alongside of Indiana in support of the Union. It would be interesting here to recite the events connected with the receipt of the response of Governor Morton by the governor of Kentucky. Those who best knew and therefore best loved that excellent gentleman may put their imagination to work but they will prove unequal to the test. The governor had a unique vocabulary, never permitted to grow rusty from disuse, and history fails of its full effect when it admits that there is no record of the happenings at the executive office in Frankfort on receipt of the response from the executive office at Indianapolis.

Governor Magoffin sincerely desired that the neutrality of Kentucky should be assured, as did the majority of the people of the state, though in the light of subsequent events, it seems a strange thing to write these words. He called the legislature back to share with him the extreme responsibilities of the moment. That body reassembled May 6, 1861. The Union leaders, not feeling the ground entirely firm beneath them were determined to grapple with the neutrality idea that had developed much strength, the people of the state having demonstrated that they approved of the governor's refusal to furnish troops for the subjugation of the seceding states. They determined to take a stand for "mediating neutrality" friendly to both north and south, which may have seemed proper at that time but as it appears to an observer today who wishes to be entirely impartial, it would have been more manly to take a decided stand one way or the other. But those were perilous days and it were perhaps more generous to admit that temporizing was justified. The day came all too soon when it was impossible. No nation nor people has yet invented a method of temporizing with the roar of artillery or the rattle of musketry.

Mr. Crittenden, no longer in the senate, had come home, his great heart still beating warmly for the Union and for Kentucky. In a speech, at Lexington, he had strongly advocated the then impossible theory of "mediating neutrality," which Governor Morton's response to Governor Magoffin's letter had made an impossibility. He declared in this speech that, as Kentucky had done nothing to bring on the war, she should not be drawn into it, but should stand neutral, offering the hand of conciliation to both sections. As if a war could proceed in the presence of Kentuckians without her sons taking part on the one side or the other!

In a letter to General Scott, then Commander in Chief of the Army, dated May 17, 1861, Mr. Crittenden declared that Kentucky acquiesced in the governor's refusal to furnish troops to the Federal government "not because she loved the Union less, but she feared that if she had parted with those troops, she would have been overwhelmed by the Secessionists at home and severed from the Union. It was to preserve our connection with the Union that induced us to acquiesce."

Subsequent events proved that Mr. Crittenden was in error in this statement. Kentuckians never have nor ever will hesitate to take position on any question even though war be involved. Great Kentuckian as he was, devoted to the Union as he was, he nor any other man, could say in May, 1861, what Kentucky would do in the war that was then at its inception. Not all the calls for troops from the Federal government; not all the refusal to supply them by the governor of Kentucky, could have an effect upon the young men of Kentucky when "war had raised its horrid front." There can be no war to which the United States is a party, whether it be among its own people, which God forbid there

should be ever again, or against a foreign foe, in which there will not be found in the forefront the sons of Kentucky. They are the most warlike peaceable people on whom the sun shines, thus accounting for the fact that from the days of Indian conflict to those of the war with Spain, they have had their prominent place in every battlefield on which this country has held a place.

McElroy, who is a most interesting historian, labored under the disadvantage of having to take his story of the days of the war from others, being too young to have been a part of the events of which he writes. His sympathies are altogether with that side of the question which leaned towards the Union, and he sometimes appears unequal to the task of looking upon the other side of the picture. He quotes approvingly Mr. Crittenden's every utterance and it is a pleasure at this day, long after the grim visage of war has ceased to frown upon the country, to say that the latter did all within his power to avert the conflict between the sections though he never wavered in his devotion to the Union.

Quoting McElroy again, something irresistible, though one may not always agree with him, he is found saying: "Long and intimate connection with the Federal government had given to Mr. Crittenden a deep insight into national conditions. He knew the mind of the men who had recently been called to direct the affairs of the republic, and was able, as few Kentuckians of his day were able, to discount the wild tales, so generally current in Kentucky, of the dark plottings of the Federal administration against the rights and liberties of the south. He did not believe, as many a man equally honest believed, that the aim of Lincoln's administration was the conquest and subjugation of the slaveholding states. 'The argument which has been so often used to disunite us,' he told the legislature of Kentucky, 'that the north hates the south and that the south hates the north—is not true. The Almighty has not made us with hearts of such malignity as to hate whole classes of our countrymen for the sins of a few men.' He believed that, even at the eleventh hour, when the tramp of martial footsteps was already heard, peace might be restored by the gentle art of mediation, and he coveted for his own Commonwealth the honor of becoming the mediator. To the men of this generation, who can see both before and after, such a belief seems the vainest of delusions, but few men will question the sincerity and loyalty of this venerable statesman."

Mr. Lincoln had stated, it has been reported, in a conversation with Senator Garrett Davis, that he would make no military movemen against any state which did not offer armed resistance to the authorities of the United States. He is said to have also declared to Warner L. Underwood, of Kentucky, that while hoping that Kentucky would sustain the Union in her present difficulties, he would make no effort to compel her to do so. In his inaugural address, Mr. Lincoln had quoted with approval the words of the Republican platform on which he had been elected: "We denounce the lawless invasion, by an armed force, of the government of any state or territory, no matter under what pretext, as among the gravest of crimes." This section of the Republican platform had no reference whatever to the conditions which later seemed to bring Kentucky within its provisions. It bore directly upon the strife then existing between the people of Missouri and the settlers from the free states in the then territory of Kansas between whom an internecine strife was raging. After the struggle is ended and peace encompasses all our borders, there is nothing to be gained by a misrepresentation of the conditions existing when the war began. The truth and nothing but the truth should be and is the honest historian's aim.

The legislature still pursued the *ignis fatuus* of neutrality, and imagined that peace could

be controlled by the meetings of Commissioners. The Union members proposed the appointment of six men, three of whom should represent the Bell-Douglas element and three the Breckinridge party. "These appointments were to be approved by the legislature, but those named were not to be members of that body, and were to meet and agree upon some definite course of action to be followed by the legislature with reference to the great questions then disturbing the nation, and it was agreed in caucus meetings of the respective parties in the legislature, to carry out, by legislative action, whatever program the six arbiters should recommend."

These arbiters met in conference May 11, 1861. John C. Breckinridge, Beriah Magoffin and Richard Hawes were the representatives of the Breckinridge wing of the Democratic party. John J. Crittenden, Archibald Dixor and Samuel S. Nicholas represented the Unionists. Mr. Breckinridge and his colleagues proposed that the legislature call a Sovereignty Convention to decide whether or not Kentucky should secede from the Union. The Unionist Commissioners positively refused to assent to this proposition and it was, after discussion, abandoned. The second proposition to the effect that the legislature be advised to declare that Kentucky would stand neutral in the conflict between the Federal and the Confederate governments, was unanimously adopted. It was also agreed to advise the legislature to create a military board of five persons, whose duty it should be to provide a military organization adequate to the needs of the commonwealth. Let it be understood that this latter action was unanimous.



Abraham Lincoln's Birthplace, near Hodgensville, Kentucky

After receiving the report of this commission and scores of petitions praying for a neutral stand, the legislature on May 16, 1861, considered a report presented by the Committee on Federal Relations, which asked the adoption of the following resolutions:

"Considering the deplorable condition of the country and for which the state of Kentucky is in no way responsible, and looking to the best means of preserving the internal peace and securing the lives, liberty and property of the state, therefore;

"Be it resolved, by the senate and house of representatives, that this state and the citizens thereof should take no part in the Civil war now being waged, except as mediators and friends to the belligerent parties, and that Kentucky should, during the contest, occupy the position of strict neutrality."

The Union members of the house sustained the report, showing that they had not yet abandoned the hope of preventing civil war. But the senate would have none of it. Captain Thomas Speed in the "Union Cause in Kentucky" says: "With these resolutions, there was no concurrence by the senate, and therefore they only reflect the mind of one body." Admirable a man as was Captain Speed, he was afflicted with the incapacity of all the men who have written from the Union side in Kentucky, to see that there was another side of the great question then pending, and that there were men of prominence in Kentucky who were sympathizers with the south and who gave assurance of that sympathy later with their lives.

While the senate with its Unionist majority, small but effective, would not agree to the resolutions of the house, it yet felt it necessary to make a declaration of its position, declaring that Kentucky would not sever its connection with the National government, nor would she take up arms for either of the belligerent parties, at the same time offering the services of the state as a mediator "to bring about a just and honorable peace."

There is something pathetic about these efforts of Kentucky to avert civil war. Loving the Union of the republic as she did and having an affection for the southern states equally strong, the state could behold a conflict between the sections with no feelings other than of the most poignant regret and though her efforts to bring about peace are viewed in the light of after events almost with levity, there was nothing in those efforts in 1861 which did not breathe the most serious intent.

The two houses of the general assembly, each in its own way, had asserted the principle of neutrality and of mediation, to neither of which the two belligerents paid any special attention. May 20, 1861, the governor issued his proclamation warning all other states, whether separate or united, and especially the United States and the Confederate States, to abstain from any movement upon the soil of Kentucky, or the military occupation of any place whatever within her lawful boundary, until authorized by invitation or permission of the legislative and executive authorities. This neutral position, he explained, was assumed in the hope that Kentucky might soon have an opportunity to become a successful mediator between the two belligerents.

Thus Kentucky stood as a buffer between the seceding southern states and those which remained loyal to the Union. The two houses of the general assembly, each in its own way, and the governor by his proclamation, stood pledged to the impossible idea of neutrality, with one section of the Union in arms against the other section, which was rapidly arming against it. However alluring may have seemed the prospect in 1861, it appears today to have been the nearest grasping at straws where there were really no straws. There was war, only war, and Kentucky, to her ultimate sorrow, speedily disovered this and paid for the knowledge in the blood of thousands of her sons.

Again let McElroy be heard: "With a legislature which had been chosen in 1859, before the question of secession had become dominant, the discreet policy to be followed by the friends of the Union, was a waiting policy, in view of their firm faith in the loyalty of the voting population of the state and the policy of armed neutrality for the purpose of mediation, made it unnecessary for the state to face at once the question of joining the Confederacy, or adhering to the Union. It represents, therefore, a victory for the Union cause in Kentucky. What this meant to the

Union cause in the nation is only speculation, but Lincoln, himself, as his most authoritative biographers tell us, had 'from the beginning, felt that Kentucky would be a turning weight in the scale of war' and it is safe to say that had she gone over to the ranks of secession she might have carried with her a force which would have greatly increased the seriousness of the problem which confronted the National government. 'If Kentucky had gone when Virginia went,' says General Buckner, 'it seems probable that Missouri and Maryland would both have followed her,' in which event, as General Franklin once expressed it, 'the war might have gone to the Lakes instead of to the Gulf.'"

The legislature which had been in session for nearly eighteen months, adjourned *sine die* May 24, 1861, having fixed upon the first Monday in September as the day on which the legislature to be chosen on the first Monday in August should meet. Ordinarily, in those days, the legislature met on the first Monday in December following its election, but these were extraordinary days and custom gave way to the exigencies of the moment. Notwithstanding the seriousness of the situation which had confronted them and the wide divergence of views, the members of this general assembly are said to have retained among themselves the most kindly and generous relations. One of their number who was later to become a member of the Confederate congress and a brigadier general in the army of the new government, a most generous and courtly gentleman, said afterwards: "When the final session closed, as its members parted and clasped hands in adieu, they bade each other God speed—well knowing that commissions in the Federal army were already signed for many, and that for many more Confederate soldiers were waiting as leaders; knowing too, that when they met again to argue the question it would be at the assize of blood." Can any read this and wonder that Kentucky pleaded for peace; that again and again she offered to mediate between the contending factions of a distracted country? Neutrality was impossible; to tender it along with mediation may have seemed to both the north and the south as absurd, but it was not so deemed by Kentucky; the good old state shuddered at the thought that her stalwart young sons were to meet on the "battle's perilous edge" and give up their lives in support of the belief they cherished.

The hour had struck, and now men took their position, father against son; brother against brother. Surely never more cruel war than this has been fought since that "War of the Roses," when our English progenitors met each other in battle array. Collins, in his "Outline History of Kentucky" says: "Topographical position, or peculiarity of property, seemed to have no influence in the decision. The planters of the tobacco region cultivating their fields exclusively by slave labor, turned their backs upon their plantations and went to range themselves in the Federal army; while from the northern border, entirely denuded of its slave population, men who had never owned a slave and whose most valuable possessions lay in Ohio, Indiana and Illinois, committed their families to God's keeping and rode away into the southern lines."

Garrett Davis, a senator from Kentucky, in a letter to General McClellan, presents another view, saying: "The sympathy for the south and the inclination to secession among our people, is much stronger in the southwestern corner of the state than it is in any other part, and as you proceed toward the upper section of the Ohio river and our Virginia line, it gradually becomes weaker until it is almost wholly lost."

Collins was correct in his differentiation of the men who joined the two armies, but incorrect in other respects. Mr. Davis' statement to General McClellan was a far more

correct definition of the sentiment of the people; for in the section of the state to which he refers, there were certain counties so pronounced in their sentiment of loyalty to the south, as to be called "the Little Confederacies." But it should not be understood that all the people in these or any other counties stood firm in support of the Confederacy or of the Union. The fact is that every county furnished men to each army, though certain sections, notably the mountains, were very loyal to the Union, while in other sections the majority of young men entering the service chose to follow the flag of the young Confederacy.

There was less of bitterness than would naturally be expected when the parting of the ways came to our distracted state. Boys who were playmates at school, parted with hearty handshakes and went their several ways to enlist beneath the flag of their choice. Lifelong friends who held opposing views, separated with feelings of sadness and took up arms in the service of the Union or of the Confederate states, as their sympathies demanded. It was, indeed, for Kentucky, a fratricidal conflict. Yet when it was ended, those who survived; those who had in the one army or the other, done so much to uphold the honor of the flag they had followed, came back to clasp in friendly manner the hands they had held in farewell when they had gone their several ways to follow the flag of their choice. Kentuckians know how to fight; they know too, when the fight is ended, and it was not unusual, after Appomattox, to find the "Yank" and the "Reb," if one may be pardoned for thus once referring to his former enemies and his comrades, conducting their business affairs together as partners, profoundly indifferent to the fact that but a few months before they had been classed as "enemies." And to the honor and the glory of Kentucky, the good feeling which then existed between her sons so recently in deadly conflict with each other, is maintained to this day, and no man asks where another served if he be an honorable gentleman today.

CHAPTER XLVIII.

Last Appeal for Union—Buckner-McClellan Conference—Unionists Carry Congressional Elections—Lincoln-Buckner-Crittenden Conference—Some Leading Confederate Soldiers—Some Leading Union Soldiers—Kentucky Soil Invaded.

The Border Slave State Convention met at Frankfort three days after the adjournment of the legislature. There were seventeen delegates present, of whom twelve represented Kentucky. These twelve were all Union men, the ticket representing the State, or Southern Rights idea, having been withdrawn before the election by the State Central Committee. The deliberations of the convention, over which Mr. Crittenden presided, may be imagined without further statement. The resolutions adopted expressed continued faith in the already exploded idea of armed neutrality for the purpose of mediation, notwithstanding that the sons of Kentucky were even then flocking to the standards of the Union or of the Confederacy as their consciences dictated, and some of the members of the legislature which had just adjourned had already put on the uniform of the army in which they had determined to serve.

Notwithstanding this, the convention made a last sorrowful appeal to the seceded states to re-examine the question of the necessity for their withdrawal from the Union. "If you find it has been taken without due consideration, as we verily believe," said these resolutions, "then we pray you to return to your connection with us, that we may be in the future, as in the past, one great powerful nation."

This was pathetic; these old men pleading for the Union of their fathers already divided, with the armies of the north and of the south confronting and ready to spring at the throats of each other; yet these men sought peace—peace for their distracted country; peace that would prevent their sons from rending each other, peace that would not array families against each other, but would give us back the old Union for which the fathers had fought and died. One can have no feeling other that that of profound respect for these men in council, however futile their effort proved to be. Many of those whose fortunes were cast with the Confederacy were descendants of men who had suffered with Washington at Valley Forge and triumphed with him at Yorktown, and who cherished a love for the flag of the Union, but whose sympathies were with their kindred, the people of the south; and when the supreme moment came they had gone with their own people. Many thousands of others, equally the descendants of Revolutionary sires, had found their duty in the other direction and were aligned beneath the flag of the Union. There is no disposition here to decide between them, though the writer of these words has elsewhere in this work, stated that his allegiance was to the south and that under its flag his service was rendered. But not today nor on any other day, since that war began, nor on the day on which it ended, has he hesitated to give to those Kentuckians who fought under another flag, the meed of praise

which is their honored due. In giving this honor, he considers that he speaks for every honorable Confederate soldier who, like him remained by his colors until they went down forever in defeat.

Going back, after this digression, to the question of Kentucky's mediating neutrality position, it may be stated that the Federal government now began to take notice of it, as was naturally to be expected. General Simon Bolivar Buckner, a Kentuckian, a graduate of West Point, who had won wounds, promotion and distinction in the war with Mexico, but who had retired from the army with an ample fortune, was the inspector general of the military forces of Kentucky. Early in June, 1861, General Buckner received from his former comrade-in-arms, General George B. McClellan, an invitation to meet him in Cincinnati for a discussion of Kentucky's unique position of neutrality. Together with a friend, Samuel Gill, a Union man, then connected with the meager railroad service of Kentucky, General Buckner went to Cincinnati, where, says Gill, "we entered upon a free and unreserved expression of opinion in regard to many matters connected with the present political difficulties." The result of the discussion was an agreement upon the part of General McClellan, as to a definite policy with regard to Kentucky, an agreement which General Buckner regarded as binding upon the Federal government. It will, of course, be understood that General Buckner had not then taken service with the Confederacy, but acted solely in behalf of the state of Kentucky.

Again acknowledgement is made to McElroy's "Kentucky in the Nation's History" for the following report to the governor by General Buckner in relation to this interview with General McClellan:

"Headquarters Kentucky State Guard
"Louisville, Ky., June 10, 1861.

"Sir: On the 8th instant at Cincinnati, I entered into an agreement with Major General G. B. McClellan, Commander of the United States troops in the States north of the Ohio River, to the following effect:

"The authorities of the State of Kentucky are to protect the United States property within the limits of the State; to enforce the laws of the United States in accordance with the interpretations of the United States Courts as far as the law may be applicable to Kentucky, and to enforce, with all the power of the State, our obligations of neutrality as against the Southern States as long as the position we have assumed shall be respected by the United States.

"Gen. McClellan stipulates that the territory of Kentucky shall be respected on the part of the United States, even though the Southern States should occupy it; but in the latter case, he will call upon the authorities of Kentucky to remove the Southern forces from our territory. Should Kentucky fail to accomplish this object in a reasonable time, Gen. McClellan claims the same right of occupancy given to the Southern forces. I have stipulated in that case to advise him of the inability of Kentucky to comply with her obligations and to invite him to dislodge the Southern forces. He stipulates that if he is successful in doing so, he will withdraw his forces from the State, as soon as the Southern force shall have been removed.

"This, he assures me, is the policy which he will adopt towards Kentucky. Should the administration hereafter adopt a different policy, he is to give me timely notice of the fact. Should the State of Kentucky hereafter assume a different attitude, he is, in like manner, to be advised of the fact.

"The well-known character of Gen. McClellan is a sufficient guarantee for the fulfillment of every stipulation on his part.

"I am, sir, very respectfully
"Your obedient servant
"S. B. Buckner, *Inspector General.*

"To His Excellency, B. Magoffin.

This was a formal recognition by the Federal government through General McClellan, of the neutrality of Kentucky, but it was merely a rope of sand. In the midst of war the laws are silent, and an agreement made today with good intent, may, in the exigencies of war, be entirely diregarded tomorrow. Three days after the interview with General Buckner, the governor received from General

McClellan a formal demand in the following terms:

CINCINNATI, June 11, 1861.

"Gov. B. Magoffin:—

"I have received information that Tennessee troops are under orders to occupy Island No. One, six miles below Cairo. In accordance with my understanding with General Buckner, I call upon you to prevent this step. Do you regard the islands in the Mississippi River above the Tennessee line, as within your jurisdiction and if so which ones?

"Respectfully,

"G. B. McCLELLAN, Adj. Gen., U. S. A.

In reply, the governor notified General McClellan that he had sent General Buckner to Paducah, with orders to carry out the understanding with him. During the visit of General Buckner to Paducah, he, in company with certain citizens, again met General McClellan, and asked him to declare anew the meaning of the Cincinnati agreement. According to one of these civilian witnesses, Hon. E. I. Bullock, General McClellan declared that "Kentucky was to be left to take charge of her own citizens, and positively stated that if any application was made to him for assistance for any citizens of Kentucky he would refer them to the judicial and military authorities of the state and extend no aid himself."

Soon after this incident in June, 1861, a special election for members of congress was held in the state, at which the following gentlemen were chosen: Henry C. Burnett, James S. Jackson, Henry Grider, Aaron Harding, Charles A. Wickliffe, George W. Dunlap, Robert Mallory, John J. Crittenden, Wm. H. Wadsworth and John W. Menzies. Of these ten gentlemen, all were Union men, save Mr. Burnett, who was a States Rights man—the term "Union men" being used here to differentiate the candidates, and not to inviduously reflect upon Mr. Burnett, who was doubtless as much a friend of the Union as his colleagues, but held views as to the rights of the states not held by the others. "The definite question before the people in that election," says Smith in "The History of Kentucky," "was Union or Disunion." This is perhaps too broad a statement, though in some respects correct. However that may be, the Union majority was very decisive, amounting to 54,750.

Of the gentlemen elected to congress, Mr. Crittenden was the most prominent having, as senator from Kentucky and as attorney general of the United States, attracted the highest attention. Charles A. Wickliffe had been postmaster general of the United States and governor of Kentucky. Wm. H. Wadsworth, of Maysville, had been a schoolmate of General Grant, whose opportunity had come and who was about to emerge from obscurity into the bright light of military glory and subsequently the highest political position in the country. James S. Jackson, young, handsome and brave, was soon to end his career, falling at the head of his brigade of Federal troops at the desperate battle of Perryville, Kentucky, October 8, 1862. The others chosen at this election were not so widely known, but each was a substantial citizen and rendered able service to the cause of the Union. Mr. Mallory, who represented the Louisville district, remained in congress during the war and was not retired until the August election in 1865.

Recurring to the question of Kentucky neutrality, Governor Magoffin is found to have hoped that the action of General McClellan might lead President Lincoln to officially recognize the neutral position of the state. To that end, he sent General Buckner to Washington to see the president and explain to him the plan by which the state hoped to stem the tide of conflict between the southern states and the Federal government, and, if possible, secure his assent thereto.

Of all the prominent Confederates, General Buckner has been that one who has most strenuously declined to appear in print with relation to his official acts as a military man.

He has steadily insisted that his official reports to the Confederate government made while the events therein referred to were fresh in his mind, should be considered as his contributions to the history of the war. He has sought no post-bellum distinction, as so many others of far less distinction have done, but with that modesty which has always characterized him, has been content to leave to the consideration of the people, whom he has served with distinction in civil as in military positions, the final appraisement of the value of those services.

But, in one instance, General Buckner has consented to recede from this position and again acknowledgement has to be made to that interesting, if sometimes mistaken historian, McElroy, for a report of one of the most important episodes of the early history of the war, so far as it refers to Kentucky.

It has been stated that the governor had directed General Buckner to proceed to Washington and confer with that other great Kentuckian, Mr. Lincoln, relative to the neutrality of the state. Of this visit, McElroy says: "On July 9th, accompanied by John J. Crittenden, General Buckner met the president, who he (General Buckner) says wrote and handed me the following paper. He accounted for the absence of his signature by saying that he did not intend to write a 'proclamation' but to give me a paper on which I could base my statements of his policy and which would be my evidence hereafter, if any difference should arise relative to that policy, and he appealed to Mr. Crittenden, who was present, to identify the paper in any way that he thought proper. This was done by the latter gentleman's subjoining his initials.

"In giving this document to the public General Buckner made this statement of his interpretation of its meaning: 'I learned when in Washington from some of the friends of the president that he was exceedingly tenderfooted on the meaning of certain terms. He was not willing to "respect" the neutral position of Kentucky, for that would be to acknowledge her right to assume it; but he was entirely willing to "observe" it.' During the conversation he says: 'The president succeeded in impressing upon me the belief that "as long as there are roads around Kentucky" to reach the rebellion, it was his purpose to leave her unmolested, not yielding her right to the position she occupied but observing it as a matter of policy.' "

General Buckner states of this manuscript that he later gave it to a friend for safe-keeping, who was soon afterwards called away to Arkansas and he was never afterwards able to secure it. But the article in question was not lost though the original cannot be presented. General Buckner furnished a copy of it to the *Clarksville (Tenn.) Jeffersonian* newspaper, in which paper it appeared in the issue of Friday, September 13, 1861, as follows:

"It is my duty as I conceive, to suppress an insurrection existing within the United States. I wish to do this with the least possible disturbance or annoyance to well-disposed people anywhere. So far, I have not sent an armed force into Kentucky, nor have I any present purpose to do so. I sincerely desire that no necessity for it may be presented, but I mean to say nothing which shall hereafter embarrass me in the performance of what may seem to be my duty.

"July 10, 1861.

"'Witnessed, J. J. C.' (the initials of Mr. Crittenden)."

General Buckner says: "This memorandum was handed me by President Lincoln in the Executive Chamber, Washington, on the 10th of July, 1861, in the presence of Hon. J. J. Crittenden, who, at the instance of the president, witnessed it by marking it with his initials."

The slender thread of neutrality which it was hoped might be used to hold together the Union was speedily to be snapped asunder. The election for members of the general assembly held a few weeks later, resulted in the

choice of seventy-six Union men as representatives, and twenty-four States Rights' men. In the senate, where under the constitution but one-half of the members of that body were elected, the other half holding over from the election two years before, there was a Unionist majority of sixteen. If this were not enough to dispel the theory of neutrality, the battle of Bull Run, Virginia, fought July 21, 1861, and which was so disastrous to the Union forces, must have shown every sensible person that a war was pending, and that no one state could prevent its ravages.

The die was cast, and Kentuckians who had hoped against hope that war might be averted, now saw that they must make their choice, and there was no hesitancy upon their part. At Jeffersonville, Indiana, recruiting stations were opened and thither flocked the young Kentucky Unionists who were speedily enrolled by Lovell H. Rousseau, a Kentucky lawyer of distinction, who was later to become a major general of volunteers, subsequently a member of congress, and later still a brigadier general in the United States army, in which latter position he died.

Those Kentuckians whose sympathies were with the south, and there were many thousands of them, seeing that neutrality was a barren ideality, turned their faces to the recruiting camps in Tennessee, and singly, by couples, scores and companies, swelled the volume of the Confederate forces. Kentucky's distinguished sons showed the pathway to these enthusiastic young men. John C. Breckinridge, late vice-president of the United States, resigned his position as United States senator from Kentucky and cast his sword in the scale for the south. The senate, notwithstanding his resignation of membership in that body, subsequently went through the childish performance of resolving that "John C. Breckinridge, the traitor, is hereby expelled from this body." Expletives were cheap in those days and many people used them without knowing their meaning. The term "traitor" was in common every-day use, but after the war had ended, no Federal court ever determined its meaning as applied to those who had favored the cause of the south. William Preston, who had served in congress and as minister to Spain, went with the south and was later a major general of its armies, and for long years afterwards one of Kentucky's honored citizens; Humphrey Marshall, long in congress and the first commissioner of the United States to China, became a Confederate brigadier general, and subsequently a member of the Confederate congress, where he was serving at the close of the war; Simon Bolivar Buckner, a graduate of West Point, who as a very young soldier, had won much distinction in the war with Mexico, and after his retirement from the army, had rendered effective service as inspector general of the Kentucky State Guard, became a lieutenant general in the Confederate army and, after the peace, was the able and efficient governor of Kentucky. At this writing, he is the sole surviving officer of his rank in the Confederate army and has the pleasure of knowing that his only son, Simon Bolivar Buckner, Jr., like himself a graduate of West Point, is rendering soldierly service to his country in the Philippines. In 1896, General Buckner was the nominee of the Gold wing of the Democratic party for vice-president on the ticket with Gen. John M. Palmer, of Illinois, a brother Kentuckian and a native of Scott county.

Roger W. Hanson, a lawyer of high repute, who had been a gallant soldier with the Kentucky volunteers in Mexico, became colonel of the Second Kentucky Confederate infantry; was promoted to be brigadier general, and fell at the head of the Orphan Brigade at Murfreesboro, Tennessee, December 31, 1862, his command of Kentuckians being subsequently characterized by Gen. Joseph E Johnston as "the best brigade in the Confederate army."

John S. Williams, as captain of a company

of Kentuckians, had won such honor in the war with Mexico as to be thereafter known as "Cerro Gordo" Williams. He became first a colonel and later a brigadier general commanding Kentucky cavalry in the Confederate army. After the war, he was a United States senator.

Ben Hardin Helm was a graduate of West Point and the brother-in-law of President Lincoln, they having married sisters. He had resigned from the army and was practicing law in Louisville when the war began. Mr. Lincoln was anxious to have his services and tendered him a commission in the army, in an arm of the service which would not require him to meet the soldiers of the south in actual conflict. The offer was declined and Helm was subsequently commissioned as colonel of the First Kentucky Cavalry of the Confederate army, an excellent regiment which saw much hard service and harder fighting to the very close of the war, serving as a portion of the escort of President Davis from Charlotte, North Carolina, to Washington, Georgia, at which place it surrendered on May 9, 1865, exactly one month after the surrender at Appomattox. Colonel Helm was promoted to be brigadier general in 1862; was severely wounded at the battle of Baton Rouge, Louisiana, and fell at the head of the First Kentucky Brigade of Infantry (The Orphan Brigade), which he commanded at the battle of Chickamauga, September 20, 1863. His remains were brought home to Kentucky and reinterred in the family burial ground near Elizabethtown, just twenty years from the date of his death.

John C. Breckinridge, before referred to, was a major in a Kentucky regiment, organized for service in the war with Mexico; had represented the famous Ashland district in congress; had served from March 4, 1857, to March 4, 1861 as vice-president of the United States; had been the nominee of the southern wing of the Democratic party for president in 1860, and elected as a senator in congress in 1861. He became a brigadier general and later a major general in the Confederate army, rendering high and gallant service in the field in many battles, and at the close of the war was secretary of war of the Confederate States.

George W. Johnson, of Scott county, a gentleman of much distinction and influence, though he had never sought office, was elected provisional governor of Kentucky, and soon afterwards fell bravely fighting in the ranks of a Kentucky regiment at the great battle of Shiloh, April 6, 1862.

John H. Morgan had seen service in Mexico, and as the commander of a squadron of Confederate cavalry inaugurated a practically new system of cavalry warfare which kept his opponents awake at all hours of the day and night. The trouble the enemy had with Morgan was that nobody ever knew what he was going to do next. The only absolute certainty was that he would be doing something, no matter where he might be. His favorite hunting ground was in the rear of the Union lines where he constantly created disturbances, burning bridges, tearing up railroad tracks, capturing supply trains, and destroying government property. His command grew in importance and he was finally promoted to be a brigadier general, and in 1864, major general. He met his death through treachery at Greeneville, Tennessee, in 1864.

With Morgan was a young Kentuckian, his brother-in-law, who was practicing law in St. Louis when the war began, but who was to make his mark broad and true before it had ended. This was Basil W. Duke, who entered the service as a lieutenant and surrendered at Washington, Georgia, as a brigadier general.

These are but preliminary sketches of some of the prominent Kentucky men who followed the fortunes of the south. More will be said of them and of other Kentuckians in the two armies as these pages proceed.

Kentucky's soldierly honor roll by no means

consisted of Confederates alone. The record of the state in military affairs; in the Indian wars, and the war with Mexico, was full of honor and in the distressing conflict of 1861-5 it was not to suffer through any reluctance on the part of her sons to brave its dangers.

While thousands of Kentuckians were finding their way into the Confederate ranks, yet other thousands were enlisting in the cause of the Union. Among those who were active in this direction may be named as prominent factors, Wm. Nelson, a lieutenant in the navy, who entered the volunteer military service, was promoted to be brigadier general and major general, and who met his death while yet a young man, at the hands of Gen. Jeff C. Davis, of Indiana, in a personal difficulty at the Galt House, Louisville, in September, 1862.

Thomas L. Crittenden, a son of John J. Crittenden, became a major general in the Federal army and through long and arduous service, did honor to the illustrious name he bore. His brother, George B. Crittenden, held equal rank in the Confederate army.

Jerry T. Boyle became a brigadier general and for a time commanded the military district of Kentucky.

Speed Smith Fry also was a brigadier general and for a long time was believed to have fired the shot from a pistol which killed Gen. Felix K. Zollicoffer, of the Confederate army, at the battle of Fishing Creek. It is now known, however, that the officer in question was killed by minie balls, several of which pierced his body.

Frank L. Wolford entered the army as colonel of the First Kentucky Federal cavalry, a body of first-class fighting men. Wolford had a unique career; though an officer in the Federal army, he was banished to the Confederate lines as a result of his tendency toward free speech. After the war he served several terms in congress.

Thomas J. Wood, an officer in the regular service, became a major general and served throughout the war with great credit and later as a general officer in the Regular army.

Walter C. Whittaker entered the volunteer service as colonel of the Sixth Kentucky infantry, was promoted to brigadier and brevet major general.

J. J. Landrum was colonel of a Federal regiment.

T. T. Garrard, a near kinsman of former Governor Garrard, was a gallant colonel and brigadier general, leading the brave mountain boys who followed him always to the place where there was "the most beautiful fighting."

John M. Harlan was colonel of the Tenth Kentucky Infantry volunteers; was subsequently attorney general of Kentucky and candidate of the Republicans in 1871 for governor of the state. Since 1877, he has sat as a justice of the supreme court of the United States, where he has splendidly maintained himself to his own honor and glory as well as to that of his native state.

John Mason Brown, a distinguished lawyer, a son-in-law of General Preston of the Confederate army, was a colonel of volunteers, an honor to Kentucky in the field and later at the bar. This is but a sketch of a few of the men of Kentucky who were prominent in the beginning of the war. Some of them will receive further notice. Others, omitted here, will find places in later pages, while yet others may not be named at all, as the limitations of space prevent the publishing in full of Kentucky's roll of fame, Federal and Confederate.

Gen. William Nelson established a recruiting station at Camp Dick Robinson in Garrard county, and busily engaged in organizing troops for the Union army. General Grant moved a force to Belmont opposite Columbus, Kentucky, and threatened that place. General Polk, of the Confederate army, on September 3, 1861, thereupon occupied Columbus and Hickman, Kentucky, fortifying each place,

General Grant's movement having been made September 1st. On the 5th of September the Federal forces occupied Paducah and other points in Kentucky. Gen. Robert Anderson, of Fort Sumter fame, was ordered to the command of the Federal forces in Kentucky. On September 20th, the legislature passed an act directing the governor to call out 40,000 Kentuckians to repel the invasion by armed forces of the Confederate government. No notice was taken of the armed Union forces at Camp Dick Robinson.

Neutrality had flown away as chaff before the wind. Thereafter, Kentucky was considered by the Federal authorities as a territory which could be entered at will and held as long as the Confederates did not drive out the Union forces. There was a sentiment existing in the non-combattant force which gravitated to the ruling power and this brought recruits to the recruiting station at Camp Dick Robinson. Many of the men who flocked thither made subsequently good soldiers and on many battlefields bravely upheld the honor of the state, though, in doing so, they more than once confronted their equally brave opponents from Kentucky. No other war of modern times has had so pathetic a condition as this. At Shiloh, when the fighting had ended, Federal soldiers searching among the killed and wounded, found their brothers dead upon the field in the Confederate uniform. Can one, in these days of peace, imagine what a condition such as that must have meant to the brave men who wore the blue uniform of the United States forces or the gray of the Confederates? "The horrors of war" is a tame expression; it was the very hell of war which confronted these gallant Kentucky boys who offered up their lives in defense of their respective opinions.

CHAPTER XLIX.

Outlawed "Bushwhackers" and "Guerrillas"—Arrest of Southern Sympathizers—Term "Rebel" not Offensive—Kentucky Admitted to the Confederacy—Provisional Government Established—Confederates at Bowling Green—Retreat Into Tennessee—General Sherman's "Crazy" Estimate—Buell and Johnston "Lining Up"—Fall of Fort Henry—Buckner, Hero of Fort Donelson—Fortunes of War and Life—Nashville Open to Attack—Number of Kentucky Union Troops—Shiloh and Johnston's Death—Kentucky Troops at Shiloh—Meteoric Morgan and Duke—Lincoln's Emancipation Proclamation—Military Interference.

Prior to this time, those who had wished to join the armies of the Confederacy had done so without let or hindrance, but conditions had changed and to reach the southern lines required diplomacy and the utmost care. Men went south singly or on small squads; such a thing as the easy passage of an entire company southward was no longer known. Home guards, armed with guns sent from northern arsenals, were formed in every county and while they formed no strong obstacle to the organized bodies of Confederates with whom they occasionally and so far as they were concerned, accidentally came in contact, they made dangerous the passage southward of recruits for the southern army. But by no means did they prevent the movements of those recruits. It became the rule for these latter to travel by night from the home of some southern sympathizer, who acted as their guide, to the home of another of like sympathies, where they would remain in hiding during the day and proceed again at night with their last host as a guide. In this manner thousands of men made their way from Kentucky into Tennessee and Virginia, there to enlist in the Confederate army. A gentleman, who many years afterwards held a high position in the service of the government of the United States, owed his safe progress through the lines of the Union army into those of the Confederates to a Kentucky woman who, mounted behind him on his horse, guided him through the mountain fastnesses in the darkness of night, never leaving him until he had successfully passed the Confederate outposts, after which she bravely made her way homeward on foot.

The men who braved the mountain passes in daylight marches were confronted by the "bushwhacker," whose sympathy for the Union was strong enough to lead him to fire from behind a tree upon a man whom he chose to class as an enemy, but was not equal to bringing him to a recruiting office where he could don a uniform and thereafter meet his enemy upon an equal footing. Some of these "bushwhackers" at a later period of the war, met a fate they had little expected in the earlier days of their experience. On the retreat of the Confederate army under General Bragg from Kentucky, in 1862, seventeen of them, who had been especially obnoxious and active, hanging on the outskirts of the line of march and firing at will upon the troops, were captured and incontinently hanged to a tree

by the roadside. At another point, three of the same ilk who had made themselves equally busy as non-combattants in killing the soldiers of the retreating army, were captured and shot. An expeditionary party, commanded by Major Clarence Prentice, the Confederate son of the distinguished George D. Prentice, the Unionist editor of the *Louisville Journal,* was sent at one time against these predatory gentlemen. On his return to headquarters he made this laconic report: "It is a gratifying reflection that many of them will 'whack' no more."

It may seem to the reader of these words in these days of peace that the treatment accorded these "bushwhackers" was unduly severe, but it should be remembered that they were not connected with the Union army; they were not soldiers at all, but merely murderers. They sneaked behind trees and rocks along the mountain sides and, as opportunity presented, fired from their points of vantage upon unsuspecting soldiers passing their way, and then fled from pursuit. The solitary soldier, straggling behind his regiment, had no chance for escape. He was ruthlessly murdered and robbed. It was because of these facts that the "bushwhackers" when captured, neither expected nor received clemency.

The prevalence of this unlawful system of warfare led later to the organization of semi-military bodies of guerrillas, who, recognizing the authority of no flag, operated indifferently under either as circumstances demanded, and were a constant menace to law and order wherever their operations extended. Neither the Union nor Confederate forces were justly responsible for these marauders, made up, as they usually were, by deserters from the two armies who had no interest in the success of either, nor higher aim than the accumulation of the property of non-combattants without regard to the political sympathies of their victims. They were the froth thrown up from the boiling maelstrom of war and very worthless froth at that. It is gratifying now to recall that many of them met their just deserts before their careers had grown old. These men were not properly Federal or Confederate soldiers; they wore, as occasion demanded, the uniform of either army. They were simply outlaws, quick to prey upon the defenseless persons who fell in their way, yet, as the people who sympathized with the south were without newspapers to print their views, or to publicly speak for them when despitefully used, it became the rule to ascribe all the depredations of these guerilla bands to the south, though it was known then, as it is now, that neither the north nor the south was justly responsible for their depredations, any more than Chicago is responsible today for the pickpocket arrested while plying his trade in New Orleans and claiming the former city as his home.

Sympathizers with the south led a precarious existence in those days, and many men went to sleep in seeming safety to awake in the hands of United States' marshals. Some of these were placed in jail; others more prominent found themselves in Federal prison camps or fortresses. Among these latter were James B. Clay, a former member of congress, and son of Henry Clay, Charles S. Morehead, former governor of Kentucky, and Reuben T. Durrett, former editor of the *Louisville Courier,* and then, as now, one of the representative men of Kentucky. These men had committed no offenses against the Federal government, but the finger of suspicion, doubtless of malice, had pointed at them and they paid the penalty in prison cells. The imprisonment of these prominent citizens was but the beginning of similar action against others of like high character with themselves, the list of whose names, if written here, would require much space and in this day of renewed peace, serve no good purpose. It is a pleasure to lighten the darkness of those unhappy days with the statement that the terms

of imprisonment of many of the southern sympathizers were shortened at the instance of Union men who interfered in their behalf. It is not a pleasant duty to the writer of today to recall the incidents of the days of civil warfare; rather is it a pleasure, as it is a duty, to record that the bitterness of those painful days has entirely passed and that in Kentucky the only memories of the war are those of the glorious deeds done in battle by her valiant sons, no one asking the color of the uniforms worn by those soldier sons, nor the flag under which they fought. When war came again to our country, the sons of the soldiers of 1861-5 sprang to the front under the flag of the Union, regardless of where their fathers had fought, and thus may it ever be while the Union exists. So long as an undivided country stands with the flag of the Union flying over it, no fear need come to the people of that Union, for there exists nowhere a power that can do it permanent harm. The motto of Kentucky: "United we stand; divided we fall" was not written in vain. It was written in a spirit of prophesy and applied to the Union, tells to all the world that this country and its free institutions will exist until time shall be no more and all governments shall have passed away.

When the great war had been fought to a conclusion, the Kentucky soldiers of the two armies came home and, as bravely began the rehabilament of the state as they had fought each other during its progress. Bitterness passed away as the morning dew before the sun's rays. Captain Ed Porter Thompson, a very gallant Kentucky Confederate soldier, has written of the war in these words: "Perhaps no conflict between the civilized nations of the earth has been of such magnitude as was that of the War Between the States. Certainly no other was so remarkable in respect to the question involved and to the result upon the destinies of a vast continent. And notwithstanding the ravings of fanatics that did so much to precipitate it, no other two mighty antagonists were ever so sincerely honest and unanimous in their respective views of the matter in issue as were the people of the north and the south. Having fought each other long and heroically on what may be styled a mere open clause in the constitution and disposed of the matter for all time, it is not to the interest or the glory of either to try to forestall the verdict of the future upon the motives or the conduct of the other. The term 'rebel,' as applied to southern men, and used in current speech, is not offensive, because they have accepted it, applied to themselves and, though conscious of its falsity, they regard it rather as the title of distinction which connects them with that stupendous struggle during which 'all the world wondered' at their valor, their endurance and their fealty; but it bespeaks either the uncandid and time-serving or careless mind, when one who essays to chronicle the events of that time sets down for the eyes of the dispassionate reader of the future the terms 'rebel' and 'rebellion.' The movement of the southern states was, in no sense, a rebellion, unless, indeed, we may speak of it as a rebellion against the assumption of the north that every state surrendered its sovereignty when it ratified the constitution of 1787."

But it may by many be considered profitless at this late day, to consider the causes which brought that tremendous upheaval to the country. It has many times been said that it is to the historian of the future that the story of the war, its causes and its effects, must be left, since those who are of its era view it from personal or partisan standpoints, which prevent that calm analysis which should mark the historian's work. Therefore there shall be little found here or hereafter, in this work as to the causes which set the two forces of the country face to face in deadly conflict. Events, rather than causes, will mark the further pages of this work.

Kentuckians were not slow in taking their stand in the forefront of events. Those who were for the north flocked to the recruiting stations at Camp Dick Robinson, or across the Ohio river at Jeffersonville; those who were for the south made their way, as best they could to the Confederate lines in Virginia and Tennessee. Everyone recognized that the hour for temporizing had passed and that of action had come.

Of that period, a distinguished and venerable citizen of Kentucky, happily yet numbered among the state's active and useful living sons, has spoken from first knowledge. Hon. Theodore L. Burnett, of Louisville, one of the few surviving members of the Confederate congress, in an address delivered in 1910, says:

"The observance of the neutrality of Kentucky by the Confederate government was such as to necessitate the formation of three camps outside the state and in the state of Tennessee, to-wit: Camp Boone, Camp Burnett, and Camp Breckinridge, where troops were organized in companies, regiments and brigades. About the 18th of September, 1861, Brigadier General S. B. Buckner, with Confederate troops, occupied Bowling Green, Kentucky, and issued a proclamation to the people of Kentucky, giving his assurance that the force under his command would be used to aid the governor of Kentucky in carrying out the strict neutrality desired by its people whenever they undertook to enforce it against the two belligerents alike."

Under the conditions then existing, the Confederates not being recognized as belligerents by the United States forces, Judge Burnett states that "a proclamation was issued calling a Sovereignty convention to meet at Russellville on November 18, 1861.

"Sixty-five counties responded to this proclamation. They met in Russellville and the convention was organized with about two hundred members. The Hon. Henry C. Burnett was elected president of the convention. He had represented the First Kentucky district for eight years in the congress of the United States and was among the greatest of all the great men produced in this commonwealth. Col. Robert McKee was elected secretary of state; O. F. Payne, assistant secretary of state; John Burnham, treasurer; Richard Hawes, auditor, and Walter N. Haldeman, state printer.

"They also elected an executive council, to-wit: Willis B. Machen of Lyon county; John W. Crockett, Henderson county; Phil B. Thompson, Mercer county; James P. Bates, Warren county; James S. Chrisman, Wayne county; Elijah Burnside, Garrard county; Horatio W. Bruce, of Louisville; Ely M. Bruce, Mason county; James W. Moore, Montgomery county, and George B. Hodge, Campbell county. It is but proper that we pause one moment to reflect upon the characters of the distinguished men composing this executive council. Willis B. Machen had served his district long in the legislature; he was afterwards a member of the United States senate, appointed from Kentucky; John W. Crockett was one of the leading lawyers of the state; Phil B. Thompson, of Mercer county, was one of the heroes of Buena Vista and a great lawyer; James P. Bates of Warren county, a distinguished lawyer; James S. Chrisman had been a member of the United States congress, a member of the constitutional convention of 1849, and a distinguished lawyer; Ely Bruce, a citizen of high standing and commercial reputation; H. W. Bruce, a distinguished lawyer, had been a candidate for the United States congress in the Louisville district, and after the war was for many years judge of the circuit court, then Chancellor, then chief counsel for the Louisville and Nashville railroad, and a better man never lived; James W. Moore, long a circuit judge and a splendid lawyer, and George B. Hodge, long a member of the state legislature and a fine lawyer.

"When these gentlemen had accomplished

their purpose and the convention adjourned, commissioners were appointed to convey the result of that convention to the authorities at Richmond, Virginia, and ask that the state of Kentucky be admitted upon equal terms with the other states, as one of the Confederate states. That application was presented by Commissioners Henry C. Burnett, William Preston and W. E. Simms, as commissioners to negotiate an alliance with the Confederate states. As a result of that negotiation, Kentucky was admitted into the Confederate states, December 10, 1861, by the following ordinance:

"'An act for the admission of the State of Kentucky into the Confederate States of America as a member thereof:

"'Section I.—The Congress of the Confederate States of America do enact that the State of Kentucky be and is hereby admitted a member of the Confederate States of America, on an equal footing with the other States of the Confederacy.

"'Approved, Dec. 10, 1861.'"

"Within ten days after the approval of the act, one million dollars was appropriated by the Confederate congress and delivered at Bowling Green, Kentucky, for the purpose of arming and uniforming the Kentucky troops.

"That body of men (the Sovereignty convention of Kentucky) acted with deliberation. Committees were appointed and reports made —a report with a preamble, giving the reason and setting forth the manner in which the state of Kentucky had been deceived by attempted neutrality. They passed an ordinance of secession; established a provisional government and elected a provisional governor.

"The Hon. George W. Johnson was unanimously chosen by that convention to be provisional governor. It is not necessary for me to tell who George W. Johnson was. The state of Kentucky never produced his superior. He served his country in many positions, always with honor and with credit. He fell with a musket in his hand, on the battlefield of Shiloh.

"Thompson, in his 'History of the First Kentucky Brigade,' says: 'Having his horse shot under him on Sunday, he entered the ranks of a Kentucky regiment; he fell mortally wounded toward the close of the next day. In the quiet cemetery at Georgetown, Kentucky, his grave, marked by a simple inscription, in the midst of a people whom he loved dearer than his own life, rests the body of this pure and spotless man. The failure of the cause for which he sacrificed himself has left him to slumber in a grave watered only by the tears of domestic affection and marked only by the care of private and personal devotions. For deeds less noble than were illustrated in his death, shafts of marble and columns of bronze have been reared in all ages of the world. For him, until such day as receding time shall permit his virtues to be properly commemorated, his monument will be in the affections of all who knew him, loved him, all who reading this brief and imperfect story of his life and death, shall accord to his memory the tribute which belongs to a character so exalted, and death rendered memorable by heroism and unselfish devotion to duty.'

"I have now reviewed from the record some of the political events occurring in Kentucky in 1861. There were many who did not believe in the idea that neutrality was practicable, but Virginia, on our eastern border, although her convention was in session, hesitated, and the state of Tennessee, on our southern border, by a popular vote when first submitted, decided against secession, and when these states acted much of the state of Kentucky was under the military control of Federal power, and, notwithstanding this condition, Kentucky furnished to the Confederate army many regiments, brigades and divisions of infantry, cavalry and artillery, as brave and true men as ever marched to battle and on every field they were led by Buckner, Breckinridge, Hanson, Helm, Lewis, Trabue, Williams, Morgan, Tilghman Preston, Buford

and Duke. Many sealed their devotion to the cause with their life-blood; let their memories be ever embalmed in our hearts; let us tell our children and our grandchildren of their great deeds; transmit to the latest generation a knowledge of the heroes who formed a part of those who resisted the world in arms for four long years."

Of the south of today rehabilitated and filled with the spirit of hopefulness, Judge Burnett, eloquently speaks in conclusion: "Now, after forty-odd years, by the labor and intelligence and bravery of the men, their devoted wives and children and their descendants, the burned and sacked cities have been rebuilt, the farm houses reconstructed, and the wilderness made to blossom as the rose; manufactures have been so multiplied as to make a home market for the products of its rich soil, and by the plastic process of an All-Wise Providence the two—the north and the south—have been welded into one, and the United States government is now regarded as one of the greatest of the world-powers."

This is not a history of the war. If it seem at times to give unusual prominence to the Confederates, it is because their coming and going in Kentucky tended to make the history of that period. There is no desire nor intent to take one iota of praise from the gallant Kentuckians who followed the flag of the Union. They did their duty nobly and well, and if notice of some of them be omitted when, to others, it seems it should have been made, it is because of the limitations of space and not from a desire to minimize the value of their service.

Without entering into details which would be endless if attempted, it is enough to say that the Federal forces, ignoring the neutrality of Kentucky, had made a footing in the state early in the autumn of 1861, and that the Confederates had not been slow in occupying such points of vantage as were accessible. Gen. Albert Sidney Johnston, a Kentuckian, had been appointed a general in the Confederate army and came in the autumn of 1861 to Bowling Green, Kentucky, which he made the headquarters of the department which he commanded. It was his task to form an army of the heterogeneous material there gathered. There were men under his command who had been trained in company drill, but who knew nothing of the formation of a battalion and were profoundly ignorant of the existence of such a military organization as a brigade. The multiplicity of uniforms was kaleidoscopic; no two were alike; some had guns, some had none; some of these guns had percussion locks, some were of the old flint-lock pattern, some were of one caliber, some of another and the furnishing of ammunition fitted to each of the several arms, was sufficient to send the ordnance officers to whom the task was submitted to asylums for the treatment of diseased minds. There was nothing uniform about the embryo army which General Johnston found at Bowling Green, but a unanimous inclination to do its duty when the fighting began. While General Johnston was getting his forces into shape for the campaigns which lay before them, the Federal forces were not idle, and they soon assumed the offensive. On January 10, 1862, General James A. Garfield, of the Federal army, attacked at Prestonsburg, in Floyd county, the Confederate forces under Gen. Humphrey Marshall. There was a deal of noise made over this attack, but that was early in the war when every skirmish attained the dignity of a pitched battle. Two years later, this encounter would not have received more than a three line notice in the newspapers.

But if this attack meant but little, there was one in the near future which attracted attention not alone for its dire result, but for the fact that it meant much in the strategic plans of those who were directing the military movements of the two armies. January 19, 1862, Gen. George B. Crittenden, commanding the

Confederate forces on the north bank of the Cumberland river, marched at midnight with a force of five thousand men and a battery of artillery to meet the Federal forces ten miles away, under command of Gen. George H. Thomas, a Virginian born, who had elected to remain in the United States army after his native state had seceded from the Union. General Thomas made a splendid record in the subsequent events of the war and finds a place in history as "The Rock of Chickamauga," through having held his position on that direful field, after Rosecrans and most of the army under his command had fled in dismay to Chattanooga.

At Fishing Creek, where General Crittenden met the opposing Federal forces, he found them to be but five regiments, two of which were from Kentucky commanded respectively by Col. Speed S. Fry and Col. Frank Wolford. At six o'clock in the morning the attack began, it being the object of General Crittenden to beat the enemy before the arrival of the latter's expected reinforcements. General Zollicoffer, of Tennessee, led the attack very gallantly for four hours of very heavy fighting, at the close of which he was killed. The Confederates fell into disorder after his death. At this time, two Kentucky regiments of Federal infantry, commanded respectively by Col. William A. Hoskins and Col. John M. Harlan, whom all the world now knows as a justice of the supreme court, reinforced General Thomas, and, a flanking force having been partially successful, the Confederates were driven back to their former camp. Under cover of the night, notwithstanding a heavy fire of artillery, they crossed to the southern bank of the river, retreating into Tennessee with a loss of artillery, muskets and other military stores. The losses in killed and wounded were about equal on each side, being about four hundred. When the news of this battle became known, there were many people who thought that the war was about over and that there would probably be but little more actual fighting. This shows how innocently ignorant the people were as to the magnitude of the great struggle upon which the north and the south were embarking. The battle of Fishing Creek, important from the point of strategy was but a picket skirmish as compared to the contests which were later to mark the great contest.

Kentucky, the erstwhile home of neutrality, was now an armed camp. Gen. Don Carlos Buell in December, 1861, commanded an army of seventy thousand men with appropriate artillery in the state; General Grant was near by at Cairo, Illinois, with more than 1,600 troops; Gen. C. F. Smith had at Paducah more than 6,000 men, under his command. General Sherman was sent to command these forces, but a month later was transferred to the Missouri department and was succeeded by General Buell. During the short period of General Sherman's stay in Kentucky he had claimed that to meet and defeat the Confederate forces, would require an army of two hundred thousand men. Though General Halleck, the commander-in-chief of the army, who had succeeded the superannuated Gen. Winfield Scott, agreed with Sherman, the newspapers of the north, through their superlative degree of military knowledge, united in declaring that General Sherman was crazy, and demanded that he be removed and a sane man be placed in command. It would have been well for the southern cause had this advice been heeded at Washington. The extreme military knowledge shown by the newspapers of the north and of the south, during that great war, as well as during the later conflict with Spain, would apparently justify the government, in future conflicts, in selecting the commanding officers of its armies from among the editorial fraternity. The "On to Richmond" demand of the northern press has not been forgotten by the Union veterans who spent four

energetic years in accomplishing what the "bomb proof" specialists in the rear demanded should be done in a month.

Opposing the forces named under General Buell and others at this time, there was an approximate force of 40,000 men, including those of General Crittenden, who had just suffered a defeat in their first encounter with the enemy. Nothing so demoralizes new troops as a defeat. The affair at Fishing Creek, disastrous though it was in its effects, would, three years later have been passed over merely as a part of the day's work by the men who suffered that defeat. Including the half-armed and less than half-clad forces in Missouri, General Johnston had under his command less than 80,000 troops of all arms.

Buell had 70,000 men ready for active field duty. He proposed sending 12,000 of these to east Tennessee, with appropriate artillery; the remainder he kept for his purposes in front. Writing to the adjutant general of the army, he said: "It is my conviction that all the force that can possibly be collected should be brought to bear upon that point of which Columbus and Bowling Green may be said to be the flanks. The center, that is the Cumberland and Tennessee rivers where the railroad crosses them, is now the most vulnerable point."

At this time, General Johnston, at Bowling Green, was attempting to cover and protect a military line four hundred miles in length, with a force of half-armed men, ignorant of tactics or military movements, united, officers and men, upon one line only; and that was that they had gone into the army to fight and were willing to do so whenever called upon by those in authority.

Early in January, General Johnston received re-enforcements which increased his forces at Bowling Green to about 23,000 men. Two brigades from West Virginia were sent to the aid of Pillow at Fort Donelson. General Johnston asked Richmond to send him more men, recognizing the weakness of his long defensive line. He did not ask to be made numerically equal to the opposing forces, but named 50,000 as the number of men needed by him—which he never received.

The defeat of Crittenden at Fishing Creek threatened his right flank, a movement against which was momentarily expected. On February 6th, a second disaster came to the Confederates in the bombardment and capture of Fort Henry on the Tennessee river, by the Federal forces under General Grant. Gen. Lloyd Tilghman, a Kentuckian, in command of the fort, finding himself unable to withstand the terrific bombardment and the overwhelming forces of the enemy, despatched 3,500 of his forces to points of safety and surrendered the fort. Of itself, this affair was of no great importance, but in its effect it was of great magnitude, opening, as it did, a waterway for the Federals into Tennessee. In another respect, it was especially disastrous as, following the defeat at Fishing Creek it had a demoralizing effect upon the morale of the army, as well as upon the non-combattant population, and tended to stop enlistments in the Confederate army which, up to this time, had gone steadily on.

The Federal forces were disposed to press the advantage thus gained. General Grant, in command of a large force of infantry and cavalry and ten batteries of artillery, pressed forward to Fort Donelson, on the Cumberland river, which was near the Kentucky and Tennessee line. The garrison at Fort Donelson was composed of fifteen thousand men, under command of Generals Pillow, Floyd and Buckner, the former in chief command.

The Kentucky troops present were the Second Kentucky infantry, under command of Col. Roger W. Hanson, the Eighth Kentucky infantry, under command of Col. H. B. Lyon, and Graves' battery, all under command of General Buckner.

During the attack upon Fort Donelson the

weather was the worst possible for those who defended it. Rain and sleet deluged the trenches and the troops had but little shelter against their fury and the intense cold. The Confederate forces, in trenches rapidly filling with water, endeavored to sustain their courage by the reflection that the men on the other side were suffering like privations.

In a general assault by General Grant, strengthened by his heavy artillery and the fire of the gunboats, the Federals were driven back. The gunboats were crippled and driven off by the steady fire of the Confederate artillery and the Federal army was forced back by the infantry of the Confederate lines. On the fifteenth, there was a sortie made with a view to the escape of the beleaguered forces, but this was unsuccessful, though many were lost on both sides. General Pillow and General Floyd, imagining themselves of far more importance than they then were, or ever after, fled from the scene and left to General Buckner the command of the Confederate forces. The latter could have escaped with them had he chosen to do so, but he was a soldier by birth, education and training, and he elected to stand by the men whom he commanded. The status of these three men of high rank at Fort Donelson may be understood by the fact that Pillow and Floyd were never afterwards heard of, while Buckner came to be a lieutenant general of the Confederate army. General Buckner, finding his position untenable, surrendered the forces under his command to General Grant. He has been criticised for this action by men who know nothing of military movements. The truth is that Floyd and Pillow should have remained with the forces under their command, and, when the bitter moment of surrender came, they should have been there to meet it. To the contrary, they ran away and left a gallant Kentuckian, not only to accept defeat but to go to a prison cell in their stead. Buckner, at the head of the worn soldiers whom he surrendered, was a thousand times the superior of the officers who fled when the supreme moment of surrender came.

The Kentuckians who had met their compatriots on the southern side of the battle line at Fort Donelson, were the Seventeenth Kentucky, commanded by Col. John H. McHenry, and the Twenty-fifth Kentucky, under Col. J. M. Shackelford. These two regiments, as their relatives and friends in the Kentucky regiments on the Confederate side of the line, had borne themselves with conspicuous gallantry and were entitled to a fair share of the praise given to those who had, with their assistance, won the important contest.

General Buckner, the commander of the defeated Confederate forces, had been in Mexico and later in New York, the intimate friend of General Grant to whom he had now surrendered the troops under his command. When he came on board of the boat where General Grant had his headquarters, the latter called him aside and with due modesty, placed his purse at the command of his former comrade, now his defeated adversary. General Buckner, while appreciating the feeling of comradeship which prompted the offer, declined to accept the favor. Years afterwards, when General Grant found himself the victim of a scoundrel in New York, who took advantage of his trustfulness in human nature and brought him to penury, General Buckner voluntarily went to the assistance of his comrade in the Mexican war, and by his contribution of ready funds placed the veteran of two wars and the former president of the United States, beyond the demands of immediate want for him and his family. Those who can find naught but evil to say and think of those who served in the Confederate army might well be silent in the presence of this free contribution of $5,000 from a Confederate soldier to the former head of the army of the United States and chief magistrate of the country, in the hour of the latter's deepest

distress. When the great soldier had breathed his last, it is gratifying to know that chiefest among those who bore him to his grave was General Simon Bolivar Buckner of Kentucky.

After the surrender of Fort Donelson, General Buckner and Gen. H. B. Lyon, another Kentuckian, were sent north as prisoners of war, the former to Fort Warren, in Boston Harbor where he was denied the usual courtesies of an opportunity to write to or receive letters from his family and friends. After eight months, he was exchanged and was promoted to major general and subsequently to lieutenant general in the army of the Confederacy.

The surrender of Fort Donelson to a far superior force left Nashville open to an unopposed attack. The possession of Bowling Green by General Johnston was no longer tenable, and that place was evacuated, the troops moving upon Nashville in the midst of a storm of rain and ice, never to be forgotten by those who were participants in the retreat. Nashville could no longer be held and the army continued its retreat to Murfreesboro, there to be joined by the troops of Gen. George B. Crittenden's command who had suffered defeat at Fishing Creek, Kentucky. Here the army was reorganized, being divided into three divisions commanded respectively by Generals Hardee, Crittenden and Pillow, the latter of whom had evaded capture at Fort Donelson by turning over his command to a subordinate and running away from an enemy whom he vainly imagined had an especial desire to effect his capture, though for what reason has never yet been made known. Gen. John C. Breckinridge was placed in command of a brigade composed of the Third, Fourth, Sixth and Ninth Kentucky infantry, the First Kentucky cavalry, Morgan's squadrons of Kentucky cavalry, and the field batteries of artillery commanded by Captains Byrne and Cobb. The army afterwards continued its march to Burnsville, Mississippi, where it was strengthened by a junction with the forces under General Beauregard.

At this time, Adjutant General Finnell, of Kentucky, reported twenty-eight regiments of infantry from Kentucky in the Union army numbering 24,026 men; six regiments of cavalry numbering 4,979 men, and two batteries of artillery of 198 men, a total of 29,203 men ready for service. This report had no resemblance to neutrality and indicated that Kentucky had made up its mind to take a part in the great disturbance then interesting the country.

Mr. Lincoln, on March 6, 1862, recommended to congress, the enactment of the following resolution:

"Resolved, That the United States ought to co-operate with any state which may adopt a gradual abolishment of slavery, giving to such state pecuniary aid, to be used in its discretion, to compensate for losses or inconveniences from such change of system."

This resolution was passed by a vote of three to one in both house and senate, but in the latter body, the two Kentucky senators, Garrett Davis and Lazarus W. Powell, voted against its adoption, as did most of those representing the border states, though its adoption and the putting into operation the plan therein suggested, would have resulted in emancipation with compensation for the slaves thus set free in the states along the border as then defined. Those representing those states were ardent friends of the Union, but were not in sympathy with the views of those who sought the abolition of slavery and considered it the cardinal principle for which the war was being fought.

While congress was considering questions that might or might not bring the belligerent parties to a reasonable consideration of the questions involved, those in the field were not idle. However congress might hesitate, the soldiers in the field construed it to be their duty to be at work. Those of them who were

confronting each other at Shiloh church, on the Tennessee river, held views which meant action, strenuous action. On April 6, 1862, General Grant with an army of 40,000 men, supported by gunboats, confronted Gen. Albert Sidney Johnston and the Confederate forces. Gen. Don Carlos Buell, with the heavy force under his command, was twenty-five miles in Gen. Grant's rear, with a river separating them. General Johnston's plan to strike and crush Grant before Buell could arrive, was disarranged and the attack was delayed until Sunday morning, April 6th, when the battle began and was hotly contested during all the day. The result of the first day's battle was favorable to the Confederates, the Federal army being driven to the river bank where it huddled in confusion under the protection of the gunboats. But the partial victory of the day was purchased at a great cost. General Albert Sidney Johnston, commanding the Confederate army, was killed while cheering on his men. The provisional governor of Kentucky, George W. Johnson, as stated elsewhere, fell while fighting bravely as a private soldier in the ranks. Major Thomas B. Monroe, a gallant Kentucky soldier, also fell.

The Confederate commands from Kentucky engaged in the first day's fighting were the Third, Fourth, Sixth and Ninth regiments of infantry commanded by Col. Robert P. Trabue; Captains Cobbs' and Byrne's batteries, and the cavalry squadron commanded by Captain (afterwards Major General) John H. Morgan. Gen. John C. Breckinridge commanded the division to which the above named troops were assigned.

On the Federal side in this battle, principally engaged in the second day's engagement, were the First, Second, Third, Fifth, Sixth, Ninth, Eleventh, Thirteenth, Seventeenth, Twentieth, Twenty-third, Twenty-fourth and Twenty-sixth Kentucky infantry and the First, Second and Third Kentucky cavalry. The brigade formation of these troops cannot be given, as the various regiments did not serve together as one body, but were members of brigades formed by troops from several states.

General Buell arrived at the scene of battle on the night of the 6th, and the contest was renewed the next morning with the result that the Federals regained the positions from which they had been driven on the previous day. Johnston was dead and Beauregard was in command. Perhaps that simple statement is sufficient explanation of the final result.

Smith's "History of Kentucky" pays this fine meed of praise to the brave Kentuckians who met each other in Shiloh's field: "On either side, the Kentucky troops fought with a valor worthy of their fame. The loss of the Confederate army in the conflict of the two days, was 10,699 in killed, wounded and prisoners; of the Federal army, 13,573. The loss of the Kentucky Confederates was 680; of the Kentucky Federals over 800."

The final result of the great struggle at Shiloh is known to the world. After the second day's battle had ended, the Confederate army withdrew to Corinth, Mississippi, to which point they were, after a time, followed by the Federal army.

Perhaps it is as well to be stated here as elsewhere, that the number of Kentuckians who served in the Confederate army will never be known. Soon after the farce of neutrality had been fully developed and Kentucky occupied by Federal troops and her rural districts filled with Home Guards, who had been armed by the Federal government, it became difficult for those desiring to enlist in the Confederate army to reach its lines. Recruits left their homes singly, in groups, or in half-formed companies, making their way as best they could, into the Confederate lines, reaching which, they were given to enlisting in the first organized command with which they came in contact. There were few, if any regiments in the Confederate army in which

Kentuckians were not to be found. They left their homes to fight and were not particular as to the command in which they should do their fighting. The result is confusing to one who would write of their deeds, but that, to their survivors, is probably of little moment. They have the satisfaction of feeling that they did their duty, no matter the command in which they served. Their number has been variously estimated at from 40,000 to 75,000, the former being possibly too low and the latter too high an estimate. Probably 50,000 would be more nearly correct.

Mention is made in the report of the battle of Shiloh, of the cavalry squadron commanded by Capt. John H. Morgan, of Lexington, Kentucky. This was the nucleus of a command that was to become famous in the history of the state and of the war. Captain Morgan had served as a first lieutenant in the First Kentucky cavalry, commanded by Colonel Humphrey Marshall in the war with Mexico, seeing hard service and participating in the battle of Buena Vista as the chief contest in which he was engaged. Returning to Lexington at the close of this war, he engaged in business pursuits until 1861, when he led the company of Kentucky State Guards, of which he was the captian, to the Confederate army. There he at once began the career which led to high rank and marked him fairly as the originator of a new method of warfare. No one ever knew where to next look for Morgan; he was in the rear of the enemy's lines today, capturing and burning a wagon-train; tomorrow he was miles away surprising a guard at an important railroad bridge, capturing the guard and burning the bridge. He flashed like a meteor, from point to point, making himself extremely disagreeable to the enemy and fascinating beyond measure the young Kentuckians whose sympathies were with the south, causing them to flock to his standard. Soon his so-called squadron was a regiment, of which he had command. Presently, this regiment was a brigade, and Captain Morgan became Brigadier General Morgan and widened his field of operations. To him the rear of the enemy was anywhere behind the Federal army and he was soon found leading his command into Kentucky, to the unbounded delight of his gallant troopers and the confusion of the Federals. When Morgan came to be colonel of the Second Kentucky cavalry, the lieutenant colonel was Basil W. Duke, who had married his sister, and this gallant young officer was later to attain the rank of brigadier general and shed additional luster upon Kentucky's soldiery. He was a man after Morgan's own heart; brave, dashing and filled with that enthusiastic appreciation of a square fight which animated his immediate superior. None ever thinks today of Morgan's cavalry that Basil Duke is not also in his thoughts. Though the fate of the soldier came to General Morgan, not long before the close of hostilities, General Duke survived, and today lives the life of a modest, honored citizen of Kentucky, and the ideal of the men who followed him in the trying scenes of warfare.

General Morgan rarely operated with the army, but semi-independently, and was frequently as difficult to find as the traditional needle in a haystack. He was rarely still long enough to be easily found; his business was finding other people—preferably the enemy—and rendering them uncomfortable, and that he attended strictly to that business the records of the war attest. Sometimes he won; at others, he did not. On these latter occasions, he had to shift for himself and do it quickly. General Duke, in his "History of Morgan's Command," says: "It must be remembered that Morgan very rarely fought with the army; he had to make his command a self-sustaining one. If repulsed, he could not fall back and reform behind the infantry. He had to fight infantry, cavalry, artillery, take towns when every house was a garrison;



Jno H Morgan.

and attack fortifications with nothing to depend upon but his own immediate command. He was obliged, therefore, to adopt a method which enabled him to do a great deal in a short time, and to keep his men always in hand, whether successful or repulsed. With his support from forty to five hundred miles distant, an officer had better learn to rely upon himself."

It is not within the purpose of this work to follow the movements of the army except in cases where Kentucky troops, Federal or Confederate, are directly concerned. But at this point, it may be acceptable to quote again from General Duke's characterization of the Kentucky volunteer, as he found him in the Confederate army. This description, to a partial extent, applies also to the volunteers from Kentucky in the Federal army, with modifications produced by the sterner discipline in the latter army.

Referring to the morale of his regiment, and his remarks are generally applicable to the others, General Duke says: "The character of Kentucky troops was never better illustrated than in this regiment and at that time. Give them officers that they love, respect, and rely upon, and anything can be accomplished with them. While almost irrepressibly fond of whiskey and incorrigible — when not on active service —about straggling through the country and running out of camp, they, nevertheless, stick to work at the time when it is necessary, and answer to the roll-call in an emergency unfailingly, no matter what may be the prospect before them. Aware, too, that, in quiet times, they are always misbehaving, they will cheerfully submit to the severest punishment, provided always that it is not of a degrading nature. They cannot endure harsh and insulting language, or anything that is humiliating. In this respect, they show the traits of their southern brethren—the Irish are of a similar disposition."

The peculiar nature of General Morgan's military movements, opposed as they were to "book soldiering," caused the people of the north to refer to him as a "guerrilla," as they did to Mosby in Virginia. As a matter of fact, this characterization was unjust in each instance, to those very able officers. Each of them was a duly commissioned officer of the Confederate army, and each of them illustrated in the highest degree a new value for cavalry troops.

No higher testimonial to the value of Morgan's methods could be given than their adoption by the cavalry commanders of the Federal army. On Christmas Day, 1862, General Carter, of the Federal army, commanding eleven hundred cavalry, started on a raid through southwest Virginia, in the course of which he destroyed a bridge at Blountsville on the East Tennessee and Virginia railroad, capturing three hundred prisoners. He next burned a railroad bridge at Wautaga on the same road, besides inflicting damage to the railroad track wherever practicable, which it required weeks to repair. There was, at this time, en route to Richmond, Virginia, a body of Federal prisoners—captured at Hartsville, Tennessee, by Kentucky troops—over the line of railroad destroyed by General Carter. These prisoners and their guards were halted at Knoxville, on account of this raid, and returned to Chattanooga, from which point they were afterwards taken to the military prison at Atlanta.

If General Morgan was a guerrilla chieftain, what was General Carter who adopted his methods? What was Sheridan who used Morgan's tactics in his efforts to enter and capture Richmond? What was Streight who attempted a like raid through the south? What was Stoneman who came to grief in a like effort? The truth is, that Morgan was the originator of a new use for cavalry; Forrest and Wheeler, of the Confederate army, followed his methods, and the Federal cavalry leaders

never began to operate effectively until they had adopted the new system developed by the great Kentucky cavalryman. If Morgan was a guerrilla chieftain, every Federal cavalry commander who ever amounted to anything, was also a guerrilla. It is too late now to use epithets; the honors won on desperate fields of high endeavor, belong alike to Federal and Confederate, and, first of all, to the great country which supplied those commanders. The day is not yet, unfortunately, but it will surely come when equal and exact justice will be given to the men who strove mightily in that great struggle, and no man will care to ask the uniform worn by the winning contestants. They were Americans and the honors won by each will be justly divided with the other.

It had been strenuously declared by those who adhered to the cause of the Union, that the war was not waged for the destruction of slavery, while it was claimed, with equal force, by those on the other side that it had no other object. Thousands of men in the border states where slavery existed, had enlisted in the Federal army because they loved the Union and did not want to see it dissolved. They indignantly denied that they sought the destruction of slavery, or that they had entered the army with any other object in view than the preservation of the Union. Col. R. T. Jacob and Col. Frank Wolford, each gallant commander of a gallant Federal regiment of cavalry, were so outspoken in their expressions on this subject as to bring about their arrest and banishment by the Federal authorities, as has been hitherto stated. There was not a thinking man in Kentucky who allowed his judgment to prevail over his prejudices, who did not know that the final success of the Federal arms meant the destruction of slavery; yet many of these denied that such a result was possible, while others, with a wise precaution which did them credit, said nothing at all. The man who did not know, early in 1861, when hostilities began, that slavery was doomed if the southern cause failed, was a man whose judgment was of so negligible a quality that his opinions are not worth quoting. The south knew what the final result would be if it lost, and would have been willing to submit to the loss of its slaves, if it could have the privilege of controlling its own internal affairs free from the influence of superior forces of government elsewhere.

On January 1, 1863, President Lincoln issued his Emancipation Proclamation. "As a fit and necessary war measure for suppressing the rebellion, I order and declare that all persons held as slaves within the designated states now in rebellion are and henceforth, shall be free, and the military and naval authorities will recognize and maintain their freedom." This proclamation might as properly have borne the date of the firing on Fort Sumter, with the supplemental date of the surrender at Appomattox. It was the death-blow of slavery everywhere, though it pretended to refer alone to the states then in the Confederacy.

Professor Shaler, who has been frequently quoted herein because of the clarity of his views and his lack of sectional bias, says of the Emancipation Proclamation: "This proclamation was felt as a blow by a large part of the Union people of Kentucky. Their view was that the rebels were breaking the constitution, while the Federal armies, to which they were giving their support, were endeavoring to maintain that contract. This proclamation was an act that put them, as well as their enemies, in an extra constitutional attitude. They felt that if both sides were to fight outside the constitution, their position lost the moral and historic value it had at the outset.

"These difficulties, brought about by the proclamation, were naturally increased by the constant interference of the military with unoffending citizens who were suspected of

rebel sympathies. The Union party, and the legislature clinging tenaciously to the civil law, deprecated this action, and by frequent remonstrances with the Federal authorities, from time to time, abated this evil. These interferences with the civil law took two flagrantly unjust forms—the taxing of the so-called rebel sympathizers for the damages done by guerrillas, or by the raiding parties of the enemy. It is impossible to devise any system under the pretense of law that brings about more irritating injustice than does this often-tried but ever-failing measure. The outrages which the so-called rebel sympathizers were forced to make good, were utterly beyond their control. No American people have ever been subjected to as iniquitous oppression as this system brought about. The other form of the evil arose from the interference of the military authorities at the elections. This was even more unnecessary and more irritating to the lawful Union men than the confiscation of property. For centuries, they and their fathers had guarded the freedom of elections as a sacred heritage. There was no time since the overthrow of neutrality that the Union men did not have a majority of two-thirds of the voters; therefore there was no need of interference.

"One of the most flagrant cases of interference with purely political action, but only one of very many, was that which took place in Frankfort. A convention of the Democratic party, composed of two hundred delegates from one-third of the counties, met to nominate a state ticket. They represented that portion of the people who were mostly in sympathy with the rebellion, though they honestly denied all thought of secession. They were refused the use of the legislative halls for their meetings by the Union legislature, and were denounced by the Union papers as secessionists. Acting upon this public opinion, Colonel Gilbert (of the Federal army) proceeded to break up the convention by military force, ordering the delegates to leave the city and to refrain from all 'seditious and noisy conversation.' This high-handed outrage had a great effect upon public opinion in Kentucky. The senate passed a series of resolutions, on motion of Hon. Charles T. Worthington, to the effect that such interference was not desired by the Union men and that it was 'dangerous in its tendencies and should not pass unrebuked.'

"In the August election there was the same interference on the part of the military with the election. This last outrage had not even the palliation of effectiveness. Only a few polling places were under the control of the troops. It exasperated the Union men without restraining the Confederate sympathizers. Thousands of Union men, who had given their property and their blood to the cause of the constitution, lost heart and their interest in the struggle. They had supposed that they were fighting, not for the domination of armies, but for the maintenance of law; for the welfare of the country, and not for the supremacy of a political party that appeared willing to destroy the constitution if it stood in the way of its purpose. So far from condemning this defection of spirit which came upon the people from the overthrow of their laws and subordination of their courts to the military arm, we should rather praise the independence of mind of men who, in the midst of battle, could keep in their hearts this reverence for the foundation of their political life."

The number of those living in the times referred to by Professor Shaler, is, at this day, comparatively small. To those who have come after them and who know not of the era of which he writes, save by hearsay, from the few survivors, and from the story as told on the printed page, it may be said that he was one of the brave defenders of the Union cause; not afraid to risk his life in defense of his principles, and too high-minded to tell aught than a true story of the times of which he was the historian.

CHAPTER L.

GOVERNOR MAGOFFIN SUCCEEDED BY ROBINSON—BOYLE AND HIS TRIALS—FIGHTING ON KENTUCKY SOIL—SURRENDER OF COLONEL WILDER—THE MUNFORDSVILLE SURRENDER—CONFEDERATES EVACUATE FRANKFORT—BATTLE OF PERRYVILLE—BRAGG NOT A KENTUCKY FAVORITE—ORPHAN BRIGADE AT MURFREESBORO—MORGAN'S "CHRISTMAS RAID"—CAVALRY "PIROOTING."

On the day following the conclusion of the battle of Shiloh, the Confederate army began a retreat upon Corinth, Mississippi, General Breckinridge and his Kentuckians having the honorable and always dangerous duty of covering the retreat as the rear guard. Thus early in their career as soldiers, did the Kentuckians impress themselves upon those in command as worthy of the highest and most dangerous stations. And they proved their worth in every instance.

Recurring now to the civil history of the state, it may be stated that Governor Magoffin, since his refusal to comply with the requisition of the Federal government to furnish troops to be used against the south, had found himself so out of accord with those in authority in the general government as to render his further continuance at the head of the government of Kentucky, intolerable. On August 10, 1862, the governor sent to the general assembly a message tendering his resignation, to take effect on the succeeding 18th of August. In this message the governor said:

"At any time within the last eighteen months, I have been willing to resign my office, could I have done so consistently with my self-respect. But the storms of undeserved abuse which have been heaped upon me, and the threats of impeachment, arrest and even assassination, repeatedly made against me, have compelled me to continue in the quiet discharge of my duties. As yet no one has dared, before any tribunal of authority, to prefer charges against me. My political friends—and by this term, I mean the Southern Rights party, a great many of whom are not and have never been, secessionists—have been subjected to what seems to me, in modern times, an unexampled persecution. It became impossible for me to relieve them, and yet I could not appear to desert them in their need. Could I be assured that my successor would be a conservative, just man, of high position and character, and that his policy would be conciliatory and impartial towards all law-abiding citizens, however they may differ in opinion; that the constitutional rights of the people would be regarded and the subordination of the military to the civil power be insisted on and maintained, I would not hesitate to put aside the cares of office and to tender my best wishes to such an executive. Without a satisfactory assurance to that effect you must admit that, in justice to my friends, I cannot and ought not to resign."

This message from Governor Magoffin brought a new alignment in the senate. Lieutenant Governor Linn Boyd, the president of the senate, chosen at the time of the election of Governor Magoffin, had died and had been succeeded in the presidency of the senate by Senator John F. Fisk. This gentleman, though possessed of many high qualities, was objectionable to many as the successor of Governor Magoffin, should the resignation of the latter be accepted as there was no doubt that it would be. By concert of action between the friends of the governor and those representing opposing opinions Mr. Fisk resigned as president of the senate and was

succeeded by Senator James F. Robinson, an excellent and able man.

Governor Magoffin retired as governor and, under the operation of law, Senator Robinson succeeded him. Governor Robinson was in full accord with the Federal government in relation to the war, but he was "a conservative and just man, of high position and character," such as Governor Magoffin had described in his letter of resignation. Though it cannot be stated as a positive historical fact, there is little doubt that the gubernatorial succession had been arranged previous to the writing of Governor Magoffin's resignation and that he, and the principal members of those representing opposing political opinions, had an understanding as to the succession before his letter was written.

Gen. Jere T. Boyle, a Kentuckian of the highest character and an able man, was at this time in command of the military district of Kentucky. Under his control of military affairs, the pressure upon those who sympathized with the south had been severe, but not marked with the brutal cruelty which was later to be inflicted upon them by another who was also a Kentuckian, but of a far different type. Many men had been arrested and imprisoned upon bare suspicion. It was these men to whom Governor Magoffin referred in his letter as having been "subjected to unexampled persecution." It is believed, at this day, that these arrests had for their object the forcing of the governor's resignation and that he correctly concluded that with him out of the executive chair and its new occupant a sympathizer with the Federal authorities, these persecutions would cease in large measure. That his conclusions were largely correct was shown by an order, issued on the date of Governor Robinson's assumption of his new duties, by Col. Henry Dent, the provost marshal at Louisville, who directed that no further arrests for political reasons should be made except for causes contained in General Boyle's Order No. 4, and then the causes for an arrest should be set forth specifically and supported by the affidavits of one or more responsible persons. Hitherto, a bare suspicion of alleged disloyalty had been sufficient to cause the arrest and imprisonment of many of the foremost citizens of the state. Provost marshals had often acted upon their own responsibility in making arrests and it seems, also, for their own financial advantage, as is shown by General Boyle's order directing that provost marshals, who, directly or indirectly, took money from persons arrested, in the shape of fees for oaths, bonds or otherwise, should be arrested and brought to his headquarters. There was an immediate relaxation of the rigors of the situation, under these orders, and men felt free to breathe once more without incurring the danger of arrest by men clothed with a little brief authority. In the stress of those days of warfare, there were many who imputed improper motives to General Boyle, but the facts do not bear out the imputation. War is a peril to soldier and citizen alike, though in different degrees, and it is not to be wondered at that the people of Kentucky, accustomed to a peaceful pastoral life, felt very keenly the difference between the quietude of peace and the stress of war, and were prone to ascribe the evils that befell them to the commander and his soldiers who enforced strange, new regulations upon them, and enforced them at the bayonet's point and within prison cells.

But the relief afforded by General Boyle's orders was but temporary. After a short period, now to be referred to, the burden was again to be borne by those Kentuckians who sympathized with the southern cause. In the latter part of the summer of 1862, Gen. Kirby Smith led his command of 15,000 Confederates into Kentucky through Big Creek Gap in the Cumberland mountains, his objective point being the Blue Grass region of the state. General Bragg lay at Chattanooga with 30,000

Confederates; General Stevenson, with 5,000 troops, was south of Cumberland Gap and General Humphrey Marshall, with 3,000 men, was along the Virginia line near by. With his cavalry and detached bodies of troops, General Bragg had perhaps 50,000 men under his command when he undertook his movement upon Kentucky. General Buell, who was to oppose him, had 40,000 troops under his command in middle Tennessee; General George W. Morgan was in Cumberland Gap with 8,000 men, and there were 20,000 available Federal troops in Kentucky. The state was about to learn the full value of neutrality when it ran counter to the march of hostile armies.

Morgan and his cavalry were in the rear of the Federal army, skirmishing daily and sometimes engaging in some real fighting. Gen. R. W. Johnson, a Kentucky officer in the Federal army, was sent out to capture Morgan and destroy his command. He made the effort but failed, losing nearly two hundred of his men killed and wounded and being made a prisoner himself. This was a very gallant struggle upon the part of the two contestants, but the audacity of Morgan, Duke and their gallant followers, was too much for the brave Johnson and his men who had come out so confident of victory, only to return defeated. Morgan captured a train of cars, set it on fire and ran it into a tunnel near Gallatin, Tennessee, causing such damage to the tunnel as could not be repaired for many weeks. It was conduct like this that made Morgan and his men so unpopular on the Federal side of the lines.

Col. John Scott, of the First Louisiana cavalry, commanding a brigade of cavalry, formed the advance guard of the little army under Gen. Kirby Smith which was moving through the mountain region of Kentucky toward the rich Blue Glass section. He was met and attacked by Col. Leonidas Metcalfe, commanding a regiment of Kentucky Federal cavalry, whom he defeated, the latter losing fifty men killed and wounded. General Smith, detaching certain forces as precautionary measures, pressed rapidly forward toward Richmond, Kentucky. The detached forces left him but 7,000 men, but these were veterans upon whom he had every reason to depend. At Big Hill, in Madison county, on August 29th, he was met by a Federal force of 8,000 men, under command of General Manson of Indiana. Heavy skirmishing ensued during the day without any particular advantage to either force. On the following morning, General Manson very gallantly marched out his entire command and attacked General Smith. The attack and resistance were alike spirited, resulting in severe losses on each side. Three times were the Federals driven back, and twice they were rallied and renewed the attack. The third time they broke in confusion and a disastrous retreat followed, from which it was impossible to rally them. Gen. William Nelson, who within a month was to lose his life at the hands of one of his own officers, is said to have ridden fifty miles on relays of horses, to reach the battlefield, arriving in the midst of the total rout of his troops. One who was a participant in the Federal army in this battle, described the action of General Nelson on this occasion as that of a man wholly beside himself. Roaring like a bull of Bashan, as he described him, he rode among the fleeing troops belaboring them over their heads with the flat of his sword and vainly ordering them again into line. Nelson was desperately wounded while endeavoring to rally his men and, says Smith in his "History of Kentucky," "only escaped with his life by the discreet bravery of Gen. Green Clay Smith (a Kentuckian) who safely bore him from the field and danger." The same authority states that "the Federal loss was over eleven hundred killed and wounded and forty-five hundred prisoners; that of the Confederates, eight hundred and fifty in killed and wounded."

The utter defeat and rout of these Federal

soldiers was to have been expected and should bring no reproach upon them. They were raw levies, hastily recruited in Indiana, and rushed to the front without knowing more than the rudiments of drill and discipline. Officers and men alike, were ignorant of the actual duties of a soldier. They met General Smith's veteran Confederates who had seen long service, who knew what a battle meant from actual experience, and they very naturally defeated the raw recruits. Yet these untrained Indiana boys rallied twice after being forced back and it was not until they had been a third time driven from their position that they broke in confusion and could not again be rallied. They were brave fellows and no doubt did valiant service later in the war, when rough experience had given them confidence in themselves and the knowledge that not all the bullets from the opposing side find their man. But their retreat upon Louisville more than one hundred miles distant was disastrous and almost amusing to the veteran Confederates who followed them.

Following his success at Richmond, General Smith advanced into central Kentucky, occupying Lexington on September 2d, sending forward a small force to Frankfort and General Heth with a division, towards Covington to menace Cincinnati and prevent the sending of reinforcements from that city to Buell who was threatened by Bragg. The people of Cincinnati were in favor of a strenuous prosecution of the war, so long as it was confined to the southern states, but when brought to their own doors, they experienced a change of heart, and, with unanimity, agreed that something should be done to stop the fratricidal strife. The greatest excitement prevailed in that city, which was not allayed by reports that the army under General Bragg was rapidly advancing upon Kentucky with the probable result that the theater of war would be transferred to their very doors and that their own city might be attacked and taken by the invading forces. Viewing warfare from a safe distance is not to be compared to looking upon it from one's own doorstep, a fact forcibly brought to the minds of the valiant non-combatants of the Ohio city at this time, and a year later, when General Morgan and his cavalrymen swept through the state and approached so near Cincinnati as to cause the utmost solicitude upon the part of those citizens who were warlike only in their conversation and at a respectful distance.

General Bragg had anticipated uniting his forces immediately with those of General Smith on the arrival of the latter in Kentucky, but was delayed by the non-arrival of trains and difficulty in crossing to the north bank of the Tennessee river. On August 28th his line of march was taken up and the real advance upon Kentucky was begun. Before him lay Walden's Ridge, a semi-mountainous range presenting many difficulties to the advance of an army, but after tedious delays, these obstacles were overcome, and by September 11th the army was in the prosperous valley of Sequatchie, north of Walden's Ridge. Bragg, covering his flanks with the cavalry under Wheeler and Forrest, flanked McMinnville where lay a portion of Buell's forces, and moved rapidly forward to Sparta, thus threatening Nashville and Buell's northern communications. At first disposed to press forward into Kentucky for an immediate junction with Kirby Smith, he later changed his plans and concluded to maneuver Buell out of Nashville. With this in view his right wing crossed the Tennessee river at Gainesboro—his left, at Carthage; each wing moving upon Glasgow, Kentucky, at which point they arrived respectively on the 12th and 13th of September, where the army remained until the 15th, for the resting of the troops and the procuring of forage and rations which were easily supplied in that vicinage, as no considerable body of troops had ever occupied the adjacent territory. On his arrival at Glas-

gow, Bragg sent forward to Cave City the brigades of Generals Chalmers and Duncan, who took possession of that place, thus severing the north and south connection of the Louisville and Nashville Railroad upon which Buell relied for supplies and sustenance of his troops.

Bragg, by this movement, had drawn Buell out of Nashville and the latter had brought forward his forces to Bowling Green, thirty miles from Glasgow where Bragg lay. General Chalmers, probably upon his own initiative, concluded that he would reduce the works at Munfordsville and capture the garrison, which he had been led to believe was only a small one. With his brigade and that of General Duncan, he made an attack upon the works which, without his knowledge, had been heavily reinforced, and which were defended by eight or ten pieces of artillery. The result of this attack, on the 14th, was that the Confederates were repulsed with a heavy loss.

Bragg, to retrieve the prestige thus lost to his army moved his forces on the 15th against Munfordsville, taking such positions with his artillery and infantry both front and rear, as to render the further holding of the works untenable, with the result that the Federal commander, Col. J. T. Wilder, came out under a flag of truce and, being satisfied that further resistance was useless, surrendered his command. Under the terms of the surrender, the Federals marched out of their works on the morning of the 17th, at the early hour of 3 o'clock, and Colonel Wilder delivered his sword to Gen. Simon Bolivar Buckner, a native of Hart county, at a point almost in sight of the ancestral home of the latter, which, at this writing, is still occupied by that distinguished soldier and statesman son of Kentucky. The garrison numbering nearly four thousand men, was paroled. The other results of the surrender were ten pieces of artillery with necessary ammunition, and a large number of horses, mules and military stores.

Former Confederate soldiers, especially those who served in the cavalry arm of the service will well remember the active and energetic command later known as "Wilder's Mounted Infantry," and will be interested in knowing that its commander was the same Wilder who surrendered his sword at Munfordsville to General Buckner. After the war had ended, he made his home at Chattanooga among the southern people against whom he had so bravely struggled. At a later period, he was appointed postmaster at Chattanooga, and at the time of this writing, though well advanced in years, is pension agent at Knoxville. He was, to use one of Kipling's expressions, "a first-class fighting man" and had, always, the respect of those who met him in battle, notwithstanding his propensity for early rising and calling upon the Confederate cavalry before they had breakfasted. So far as is known, he has not yet apologized for these early and unconventional calls.

It is not proposed to enter into a discussion of purely military questions. The object of this work is to relate what occurred in Kentucky and not to take up the discussion of questions of an academic character. It has been contended by some that, after the surrender of Munfordsville, Bragg should have turned upon Buell at Bowling Green and given him battle. Others, with much force, have endeavored to show that this would have been suicidal. Let the military pundits settle this contention among themselves. It is enough to say here, that Bragg did not turn upon Buell and offer battle. Colonel J. Stoddard Johnston, a nephew of the lamented General Albert Sidney Johnston, and himself a trained and accomplished soldier, who was for a time a member of the staff of General Bragg, says in "Confederate Military History:" "A study of the map will show to the military student, judging by abstract rules, and not by the light of after events, that his (Bragg's) movement to Bardstown, where he

could obtain supplies, be in position to effect early junction with Kirby Smith for advance upon Louisville, and to connect himself with his new line of communication south, via Cumberland Gap, was the best alternative. He had been delayed by the Munfordsville affair nearly a week in his direct movement toward Lexington, and had to make his plans conform to his necessities. That the morale of the army was, notwithstanding the capture of Munfordsville, affected by this movement, which had some of the features of retreat, cannot be doubted; for there were besides other reasons of disappointment." What these other reasons were, Colonel Johnston does not state.

On September 18th, General Bragg sent Colonel Johnston of his staff, to General Smith at Lexington "informing him of his purpose to move to Bardstown and directing him to send there a train of supplies, and while keeping an eye on the Federal general, George W. Morgan, in Cumberland Gap, to dispose his forces with a view to early concentration at Bardstown for a movement on Louisville. The messages were delivered within forty-eight hours and immediate steps were taken accordingly. General Bragg, having attempted and failed to draw General Buell to an attack and knowing that he could reach the Ohio river by a practical route farther west, began his movement to Bardstown on the 20th and reached there on the 23d of September. After a few days spent there, leaving General Polk in command of the army, he made a tour of inspection through Danville, via Springfield and Perryville, to Lexington and thence to Frankfort, where, on October 4th, Hon. Richard Hawes, who had been chosen by the Confederate council provisional governor of Kentucky, to succeed the late Governor Geo. W. Johnson (killed at Shiloh), was inaugurated in due form. The greater part of General Smith's army was then in the vicinity of Frankfort."

The above quoted statement is from the pen of Colonel J. Stoddard Johnston and written for "Confederate Military History." That careful and entirely responsible writer, however, omits to state that the inauguration of Governor Hawes "in due form" was interrupted by shots from the Federals outside the town and that the new governor's "inaugural ball" came from the mouths of hostile artillery. The town of Frankfort was hastily evacuated and was never again occupied by the Confederates for any considerable time, though there were many to welcome them there whenever they might come.

While these movements were going on, General Buell had marched unopposed to Louisville where his army was fully equipped and heavily reinforced for an offensive movement against Bragg. On October 1st, his columns moved on five roads, towards Shelbyville, Taylorsville, Bardstown, Lebanon and Shepherdsville. General Polk learning of this advance from the cavalry outposts on each of these roads, in accordance with instructions, withdrew from Bardstown in the direction of Danville with a view to covering the vast quantity of stores that had been accumulated at Camp Dick Robinson, which had been rechristened Camp Breckinridge by the Confederates.

Satisfied of the advance and intentions of General Buell, General Polk fell back to Perryville, ten miles from both Danville and Harrodsburg. General Sill was moving upon Frankfort with a heavy Federal column and General Bragg made the mistake of believing that place to be the object of General Buell's movement, as once at Frankfort he would be in close touch with Lexington which, once it fell into his hands, would allow the reinforcement of his army via Cincinnati. Buell had moved with celerity; Bragg had no difficulty in hearing from the movement of Sill along the state turnpike, but the other divisions of Buell's army were more remote and moving

along less known roads, these being less the subject of observation than was Sill. Telegraphic communication was not then what it is now, and of telephones there were, of course, none. Bragg, with this fatal belief as to Sill dominating his mind, ordered General Polk to move all his available force to Frankfort, to strike the enemy in the flank. Had this movement been made, the enemy encountered would have been but a single division. This order was received by General Polk before the movement from Bardstown was begun, and, calling his corps and division commanders to a council of war, it was agreed that the orders of General Bragg should not be carried out, as he, and those with him, were better informed as to the movements of Buell than was the former. Instead of going to Frankfort, the army moved towards Perryville. General Bragg had countermanded his order to General Polk, but of this the latter knew nothing when the movement upon Perryville was begun. It is idle now to speculate upon what other results might have followed had General Bragg concentrated his army at Perryville. On October 4th, when Sill's cavalry advance came to Frankfort and interrupted the inaugural ceremonies before referred to, General Bragg left that town and on the 5th crossed the Kentucky river going towards Harrodsburg where, on the 6th, he established his headquarters. Again Buell's movements mystified Bragg, leading him to believe that the former's objective point was Lexington. This mistaken belief led Bragg to select Salvisa as the point for a concentration of his forces, with a view to crossing the Kentucky river and giving battle to Buell in that beautiful garden spot of the world near Versailles. On October 7th, with this in view, Bragg ordered General Smith to move his command next day to Versailles, and Cheatham's and Withers' divisions of Polk's corps were to follow. These orders, however, were suspended on the receipt of information received from General Hardee, that the enemy was in force in front of his position at Perryville. Bragg sent General Polk to Perryville on receipt of this information with Cheatham's division as reinforcement for Hardee. General Polk's instructions were "to give the enemy battle immediately, rout him and then move to our support at Versailles." This order was issued at 5:40 P. M., on the 7th, and it was expected that the attack would be made at daylight on the 8th; that Bragg would start to Versailles early and that Polk would follow after defeating the Federal forces at Perryville. General Bragg contemplated an attack upon the single corps of Gilbert at Perryville, not believing that Crittenden's and McCook's corps were within supporting distance of Gilbert. Again he blundered, the result being the beginning of one of the several retreats which marked his miliary career. McCook came up and took position on Gilbert's left and General Polk had cut out for him the crushing of two corps of veteran troops, instead of the one which Bragg had ordered him to defeat. Smith, of course, did not come to the support of the army at Perryville, since he had not been ordered to do so. Had he come to Perryville, the result of the battle there would have been different. The order of battle from the Confederate side contemplated that the movement should begin at one o'clock, but it was an hour later when Cheatham's division moved forward. Hardee's corps soon joined in the contest and the great battle was on. Cheatham's movement was supplemented by Wharton's cavalry, and was successful, one or more batteries being captured, and the Federal line doubled up in confusion. This was a distressful incident for the Federal forces. At this time, General James S. Jackson, a gallant Kentuckian, a member of the United States congress, and a brigadier general of Kentucky volunteers, was killed. General Terrill, of the Federal army, and a cousin of

General J. E. B. Stuart of the Confederate army, and Colonel George Webster, commanding a Federal brigade, were killed. General Jackson, a very gallant soldier, was killed while rallying the men of a battery and fell among the guns, dying, as every true soldier wishes to die, in the line of duty. The Federal left fell back and was followed by the Confederates. One who was a participant in the stirring scenes of this battle, as was the writer of these words, spoke of the contest at this time as "a square stand-up, hand-to-hand fight. The batteries and lines of both sides could be seen distinctly, except when occasionally obscured by the dense smoke which alternately hung over the scene or was blown off by the western breeze."

It was on the center of the line of battle that the most stubborn resistance was made by the men of the two armies. Here General Rousseau's Kentuckians met General Buckner's men and after a strong resistance gave way before the terriffic assaults of the southern veterans. It was not there a question of Greek meeting Greek, but of Anglo-Saxon meeting Anglo-Saxon. The loss on both sides was terrific, but the Federals seem to have suffered most. The Federal regiment which presented the longest roll of honored dead was the Fifteenth Kentucky Infantry. Colonel Curran Pope was dangerously wounded and died soon after the battle. Lieutenant Colonel George P. Jouett and Major W. P. Campbell fell and died upon the field of honor. These officers of the Fifteenth Kentucky commanded the flower of the young men of Kentucky who served in the Federal army. They were, in large part, country boys, sons of the sturdy farmers who held to the Union cause, and splendidly did they prove their devotion to the flag under which they fought on this strenuous day at Perryville.

The contest between the infantry and cavalry of the two armies ended as night came on, but the artillery sullenly kept up its fire until past eight o'clock, when it ceased. The battle was ended and the victory seemed to be with the Confederates, but the latter, while under the command of General Bragg, never knew whether they had won or lost a battle until they learned whether or not he proposed one of his customary retreats. The Confederates held the field at nightfall and would naturally be supposed to be the victors.

Colonel Stoddard Johnston, of Bragg's staff, writing of this contest long after the war had closed, said: "The battle was over and both armies were lying on their arms. Tactically, it was a Confederate victory; strategically, it was a defeat. The loss on both sides was heavy and it proved not only the largest battle fought during the war on Kentucky soil, but one of the bloodiest of the war. Out of 15,000 of all arms, the Confederate loss was 3,396—510 killed, 2,635 wounded and 251 missing. The total Federal casualties were 4,241—845 killed, 2,635 wounded and 515 missing. General Halleck states that General Buell had at Louisville, 100,000 men; but the latter, in his report, gives his whole force which left Louisville as 58,000, including cavalry and artillery, his three corps being about equal in number, say 18,000 each.

"The Confederates lost no general officers, but Generals P. R. Cleburne, S. A. M. Wood and J. C. Brown commanding brigades, were wounded. One of the most remarkable features of the battle is that General Buell, in his report, says that he did not know that a battle was being fought until 4:30 o'clock P. M., over two hours after it began." And the wonder is why he did not hear the roar of the artillery and why those who were at the front did not communicate with him. It was a strange statement.

The writer was a participant in this battle and was among those who held the lines along Chaplin Creek, after the engagement was concluded. The season was very dry and there was little or no water on the ground where

the battle was fought. Federal and Confederate alike had fought and suffered throughout the contest without water. In those days, soldiers bit off the ends of cartridges in loading their guns, and the saltpetre in the powder bit their lips and throats producing the most intense thirst. The first demand of a wounded soldier on the field, is for water, a demand which could not be answered at Perryville. As night came on the Federals, believing that there was water somewhere near the Confederate lines, came pouring into the lines of the latter and, throwing down their guns, said "for God's sake, boys, tell us where we can find some water." They were directed to the creek in which there were stagnant pools of water and, after quenching their thirst, they willingly submitted themselves as prisoners of war. The writer makes this statement not on the authority of others, but from his own knowledge, as he was cognizant of numerous instances of the kind narrated. And the men who, but a short time before, had met as enemies now fraternized as though they were friends.

At midnight of the day of the battle the withdrawal of the Confederate forces began. The army withdrew to Perryville, the cavalry and a thin line of infantry being left behind to mislead the enemy. Early in the morning of the 9th the trains were put in motion and by noon they and most of the army, had arrived at Harrodsburg. The Federals had made no movement against them beyond an artillery fire which disturbed no one. At Harrodsburg the army under Bragg met Gen. Kirby Smith and the force under his command. Thus the day after the battle, the needed help came. Had Bragg not miscalculated the intentions of Buell, General Smith would have been up days sooner and the contest at Perryville instead of being a tactical, would have been a real victory for the Confederates and Bragg would have missed one of his opportunities for a retreat of his army.

After his junction with General Smith, Bragg had 40,000 trained veterans under his command. Now was the time for him to fight. Buell had met a practical repulse at Perryville; his army was, to a certain extent, demoralized. Bragg's army felt that it had won the day at Perryville; its morale was perfect. Smith's troops had won over Manson at Big Hill and Richmond and were ready and anxious to meet the enemy again. The Federals were near by; a battle could have been arranged without delay and the Federals, who recognized their defeat at Perryville, would have proven an easy prey for the Confederates. The latter on the 10th, awaited an attack in an eligible position, but Buell did not come out and Bragg did not go out to hunt for him. To the contrary, learning that Buell had swung around and occupied Danville, Bragg became nervous about his depot of supplies at Bryantsville, or the cutting off of his line of retreat to Cumberland Gap, and instead of following Buell to Danville and forcing him to fight, marched for Bryantsville to protect his stores and Buell came in and occupied Harrodsburg.

As a matter of fact, a practically victorious army was already in retreat. A council of war was held; the defeat of Price and Van Dorn at Corinth, Mississippi, was made known to the council, and a retreat through Cumberland Gap was agreed upon. Colonel Johnston writing of this period says: "General Humphrey Marshall, who, simultaneously with General Bragg's advance into Kentucky, had come through Pound Gap from southwestern Virginia with several thousand cavalry, favored crossing to the north side of the Kentucky river, sustaining the army in the Blue Grass region as long as possible, and then retreating into Virginia by way of Pound Gap. General Bragg so far acceded to this proposition as to allow Marshall to return to Virginia the same way."

The retreat from Kentucky was begun.

Better had it been for the Confederates had the advance into the state never been made. Polk's and Hardee's corps moved by way of Lancaster, Crab Orchard and Mount Vernon; Kirby Smith's column by way of Lancaster and Big Hill, where they had won the victory over Manson, to London, where a union was made with Bragg's column. General Buell pressed hard upon the retreating columns until Mount Vernon was reached but the rear of the retreating army was so well covered by General Joseph Wheeler and his cavalry that the pursuit, so far as the Federal infantry was concerned, was abandoned and only the Federal cavalry continued unavailingly to follow the Confederate columns.

The writer ventures here, with some doubt as to the propriety of his action, to quote from an article written by himself and published in the *Southern Bivouac*, at Louisville, in 1885:

"Gen. Bragg's army, after Perryville, October 8, 1862, slowly made its way out of Kentucky, his great wagon-train many miles in length, winding through the tortuous mountain ways toward Tennessee, guarded by a heavy force of cavalry which was harrassed by 'bushwhackers' on its unprotected flanks and kept continuously in action by a strong body of Federals in its rear. The wagons were pressed forward with all possible rapidity while our cavalry hung on the rear to worry and delay the pursuing forces. Food there was none to be had along the line of march and the fighting was so beautiful and constant that there was little opportunity for drawing and preparing rations in the regular way from the commissary department. Of course everyone was suffering from hunger. One day, a small, dark-bearded young man, apparently about twenty-four years old, with chin in air and the stars of a brigadier general on his collar, rode along the column. Turning to an aide at his side, he remarked: 'I am very hungry.'

"'Same here, General, same here,' ejaculated a thoughtless boy soldier of seventeen years. As the little general turned toward the impudent youth who had dared to thus address him, General Joseph Wheeler and I had the honor of first meeting each other. He did not appear embarrassed at the meeting, but I fear my appearance did not indicate that easy grace which might have made our meeting more pleasing; but I have never forgotten the kindness of his tone as he replied 'never mind, my boy, we hope to find something to eat later on.'"

This was the same young officer who, at twenty-seven, was a lieutenant general in the Confederate army and years afterwards a Major General of United States Volunteers in the war with Spain and who died, all too soon, as a brigadier general on the retired list of the United States army. He was a thorough soldier and gentleman, and no Kentuckian who ever served under his command but reveres his memory. The writer, a soldier in the First Kentucky Cavalry, treasures as one of his very pleasant memories the fact that years after the war, General Wheeler introduced him to his daughter as "a member of the best regiment under his command."

It had as well be stated here as elsewhere, that the Kentuckians in the Confederate army did not love General Bragg; they cherished towards him an entirely different feeling which was justified by the actions of that officer. Of Bragg, General Basil Duke, in his "History of Morgan's Cavalry" writes as follows:

"The movements of Buell (in the Kentucky campaign) had completely mystified Gen. Bragg, and the latter was not only reduced to the defensive, but to a state of mind pitiable in the extreme. He acted like a man whose nerves, by some accident or disorder, had been crazed; he was the victim of every rumor; he was alternately exhilarated and dejected. If the enemy dallied, or the distance between them happened to be increased, he became bold and confident; when a collision was imminent, he could contemplate nothing but defeat and disaster. Of that kind of fear which induces provision against dangers which are far in the future, he knew nothing, and he was equally as ignorant of the courage which kindles highest when the hour of final issue has arrived. General Bragg had, as a subordinate, no superior in bravery; he had, as a commander, no bravery at all. While I shall make no sort of comment upon General Bragg's character or conduct which I do not believe to be correct and just, and warranted by the record and by the circumstances of that time and of this, I yet deem it my duty to candidly warn my readers to re-

ceive with due allowance every line written about Bragg by a Kentuckian."

The finest, bravest and best brigade of infantry in the Army of Tennessee was the First Kentucky, or "Orphan Brigade," and General Bragg knew this. He came to Kentucky hoping to recruit many thousands more of just such young men to fill up his depleted



Confederate Monument at Louisville

infantry, but was disappointed. The young men of Kentucky, filled with the love of adventure and accustomed to the sports of the chase on horseback or otherwise, knew of the splendid career of Morgan and Duke and their gallant men, and when the opportunity came, they flocked to the cavalry standards, while none entered the infantry. Bragg did not like Kentuckians when he came among them; he liked them even less when forced to leave the state. A story current in the army after its return to Tennessee and having reference to the brigades of cavalry organized in Kentucky during his brief occupancy of the state, was to the effect that General Bragg had stated that his only regret at having to leave the state so soon, came from his desire to remain there one week longer, in order that he might enlist and organize a buggy regiment for the Kentucky young men. This may be an exaggeration, but the fact remains that the young Kentuckian prefers to go to war on horseback. And when they rode away to war they went to fight, not to retreat.

However ineffective Bragg may have been as an independent commander, he was at the very head of his class in the matter of retreating. He led his army out of Kentucky without the loss of a man or a piece of artillery. His wagon train, reputed to be forty miles in length, and laden with the rich stores gathered in Kentucky, followed him with equal safety and without the loss of a single wagon. The credit for this, however, should be given to General Wheeler and his cavalry who marched in the rear of the army and of the train, fighting daily and almost hourly and never once letting their active enemies get the best of them.

The Kentucky Brigade of Infantry, under the command of General Breckinridge, did not accompany General Bragg into Kentucky, a tactical mistake in keeping with those others which marked his course during the invasion. This brigade had already laid the foundations for the reputation it later bore, which justified the official statement of General Joe Johnston that "there was no other brigade so good in the Confederate army." Had General Breckinridge and this brigade come back to their homes with the army under Bragg, the remark of the latter about a "buggy regiment" would never have been made for very many young men would have flocked to the standard of Breckinridge, who in his absence, joined

the cavalry. But Breckinridge and his men were not allowed to come home.

Returning to Tennessee, the army, in the mountains of East Tennessee, encountered many hardships including a heavy snow storm. Bragg turned his steps towards Murfreesboro, whither General Breckinridge with 2,000 men had preceded him, having been turned back at Cumberland Gap from their march into Kentucky when news came that Bragg was, as usual, retreating. The army finally found lodgement at Murfreesboro, while the Federals were now under Rosecrans, who had succeeded Buell, whose conduct of the Kentucky campaign had not met the approval of the authorities at Washington. Buell had never afterwards a command. After the war, he resided in Kentucky in a strict retirement, only broken by a four years' term as pension agent in Kentucky during the first administration of Mr. Cleveland. He was a splendid soldier, who thought more of fighting than of political warfare.

Colonel Stoddard Johnston, in his "Confederate Military History," writing of the period connected with the events which have been narrated in the preceding pages, says of the state after Bragg's retreat: "Kentucky, again secure in the occupation of the Federal troops, passed into a new and more complete state of subjugation. Not only were those who had shown their sympathy for the Confederates during their occupation made to feel the hand of power, but soon Union men who ventured to dissent from the extreme policy of the administration were treated as rebels and subjected to equal indignity. The most radical and revolutionary element obtained control, and a reign of terror was soon inaugurated which, subsequently continued through the war under Burnside, Burbridge, Payne and Palmer, not only intensified the southern sympathy, but finally alienated a large majority of those who had originally been the most pronounced Unionists. But it was too late to be of practical benefit to the cause of the south, and, save for an occasional cavalry raid, the soil of Kentucky did not feel again the tread of the contending armies."

Of this period, it is difficult at this day to secure full details of the occurrences connected with the military occupation of Kentucky. Most of the young men of that time were absent in the one army or the other; those who were then too old for military service, have in most instances, gone to their reward in another world. A study of the daily press yields but little result, as the newspapers seem to have stood in dread of the military power, scarcely daring to call their souls their own. As has been stated in the preceding pages, General William Nelson, of the Federal army, was shot and killed in the Galt House at Louisville, by General Jefferson C. Davis, also of the Federal army, during the latter part of September, 1862. There were two morning newspapers published in Louisville at that time—the *Journal,* edited by George D. Prentice, a stanch friend of the Union cause, and the *Democrat,* edited by John H. Harney, who, though less widely known than Mr. Prentice, was equally devoted to the Union. On the morning following the affair between Generals Nelson and Davis, which resulted in the death of the former in a short time after receiving his wound, the *Journal* had no local report of the event whatever, but in the editorial columns there appeared perhaps a dozen lines referring to it and these were couched in the most guarded words. The *Democrat,* on the same morning, had no reference, editorial or local, to the affair and, so far as the readers of that paper knew, no one had been killed and there had been no affray between the two prominent officers of the army. Those were days when silence was indeed golden, not only in newspaper offices but everywhere else in Kentucky. A man might, perhaps, claim his soul as his own, but he was not expected to make much noise over his claims.

To those readers who may object to the

space which is given to military affairs in this work, it may be stated that at the period now being considered, there was little of interest, in or out of Kentucky, that was not connected with the war. Thousands of the state's best sons were in one or the other of the two armies and those who remained at home thought of little else than the war, but many of them for precautionary reasons, kept their thoughts to themselves, thereby keeping themselves out of prison.

It has been found easier in this work to follow the movements of Kentucky regiments on the Confederate side than those from the state who were in the Federal army. The former, whether infantry or cavalry, were, as a rule, organized together into brigades while the Federal regiments were not, but were parts of brigades made up of regiments from various states. This method does not appeal to the writer as a desirable one. The massing of a number of regiments from the same state into a brigade tends to increase the pride of the men in their particular brigade and the spirit of the corps is naturally higher than can be expected when six regiments, for instance, from as many different states form a brigade, commanded, it may be, by an officer from a seventh state whom none of the men know. One may have a high sentiment of regard for all the states of the Union, but one loves one's own state best of all, and will fight better and longer when surrounded and supported by men whom he knows and who are one with him in sentiment. But whatever the brigade organizations, there was no Kentucky regiment in either army which did not reflect credit on the state, and it is a pleasure to this writer to make that statement.

The Confederate army lay at Murfreesboro in December, closely watching the Federals who were at Nashville and who were expected to advance. On December 31st, the advance was made and the second greatest battle of the war in Tennessee soon afterwards began. The Confederates had but a few days before won a substantial victory at Hartsville in which, on their side, none but members of the Orphan Brigade and Morgan's cavalry—Kentuckians all—had participated, and were ready and willing to at once try conclusions with the enemy. President Jefferson Davis, himself a son of Kentucky, had but recently paid them a visit of encouragement and spoken words of praise which nerved them for the tremendous struggle upon which they were about to enter. General Rosecrans had moved out of Nashville, on the 26th, but that little cavalryman, General Wheeler, the "War Child," as his men loved to call him, was in his immediate front and he moved with caution. Finally Wheeler let him alone and marched his cavalrymen elsewhere, but Rosecrans still hesitated and did not attack. He extended his lines on the right causing a shifting of the Confederate forces on the southern left. The 30th was a bleak, rainy day. A general attack was expected but did not come, there being nothing more serious than maneuvering for position and tentative flanking propositions. On the morning of the last day of the momentous year of 1862, which had meant so much to the Confederates, General Bragg concluded that he would no longer await attack but would at once move upon General Rosecrans at daylight. The rain had ceased and a clear, frosty morning greeted the two armies. The tremendous conflict soon began and was continued throughout the day with the night bringing a seeming success to the Confederates, as was the case at the conclusion of the first day's fighting at Shiloh. But Bragg was in command and the second day had its story.

On the 2d, the Federals were holding sternly to their position, showing no disposition to willingly leave or be driven from them. They had made an effort to extend their lines to the Confederate right and this led to the

most disastrous experience of the Orphan Brigade during the war. Of this movement which then, and since, has caused comment among military experts, it is perhaps best to let General Breckinridge who commanded the Kentucky brigade, officially tell the story. In his report of the movements of his command he says: "On Friday, the 2d of January, being desirous to ascertain if the enemy was establishing himself on the east bank of the river, Lieutenant Colonel John A. Buckner, and Major Rice E. Graves, with Capt. Byrnes battery and a portion of the Washington Artillery under Lieutenant Vaught, went forward to our line of skirmishers. They soon developed a strong line of skirmishers who were driven back a considerable distance by our sharpshooters and artillery."

General Breckinridge found the enemy occupying, with infantry and artillery, the crest of a gentle slope on the east bank of Stone river. Ordered to report to General Bragg, he was directed to form his division into two lines and dislodge the enemy from this crest which was distant about sixteen hundred yards from his line. The division at this time consisted of some 4,500 men. At four o'clock the signal gun was heard and the suicidal advance was begun. General Breckinridge says: "I had informed the commanding general that we would be ready to advance at 4 o'clock, and precisely at that moment the signal gun was heard from our center. Instantly, the troops moved forward at a quickstep and in admirable order. The front line had bayonets fixed with orders to fire one volley and then use the bayonet." This advance in the face of the most overwhelming odds, was one of the most daring performances of the First Kentucky Brigade during the war in which it made so splendid a record. General Breckinridge's report states his loss as 1,700 men, which occurred in about thirty minutes. Among these was Brigadier General Roger W. Hanson, who had formerly been the colonel of the Second Kentucky Infantry, and who was a veteran of the war with Mexico. Among the Kentucky Federal officers on the field was a brother of General Hanson. The latter was the idol of his men, and to this day the surviving members of the Orphan Brigade continue to sound his praises and speak of him with a touch of tender remembrance. For years afterwards and until her death, his devoted wife was known as the "Mother of the Orphan Brigade."

As General Bragg was in command of the army, a retreat was next in order and at a council of war held on the night of Saturday following the second day's battle, this was determined upon. During that night the withdrawal of the army began and was apparently unobserved by the Federals who made no movement. As a matter of fact, both armies were exhausted after the serious two days' engagement and neither cared for further contest at that time. But Bragg could have recuperated as quickly as Rosecrans. The former's army was not beaten; only Bragg was.

Before the battle began, General Bragg had arranged an order of retreat and, in accordance with its terms, the corps commanded by General Polk fell back upon Shelbyville; that commanded by General Hardee upon Manchester, while General Bragg established his headquarters at Tullahoma.

Shortly before the battle of Murfreesboro, or Stone River as it was called by the Federals, General Morgan made a raid into Kentucky which has ever since been known by the members of his command as "the Christmas raid." It was not a pleasant time to go upon cavalry excursions. The roads were muddy and bad; the weather rainy and altogether disagreeable. At Elizabethtown General Morgan captured six hundred prisoners. These, with others captured at other points, brought the number of prisoners taken during the raid to 1,877. His own loss was two killed, twenty-four wounded and sixty-four missing. His

command crossed to the southern side of the Cumberland river at Burksville, January 2d. In recognition of the services rendered on this raid, the Confederate congress tendered thanks to "General John H. Morgan and his men for their varied, heroic and valued services in Tennessee and Kentucky on this expedition—services which have conferred upon them fame as enduring as the records of the struggle which they have so brilliantly illustrated."

General Bragg, who for some unknown reason, did not like Kentuckians, so far overcame his sentiments in this instance as to recommend the promotion of General Morgan to be a major general which was subsequently done, Colonel Basil W. Duke of the Second Cavalry, succeeding to the command of Morgan's brigade as a brigadier general, a promotion fairly won and richly deserved by that excellent officer, who had long been General Morgan's best subaltern.

Leaving for the moment the narration of military events in which Kentuckians were involved, it may be stated now that at the election held in August, 1863, Thomas E. Bramlette was elected governor of Kentucky and Richard T. Jacob, lieutenant governor, each of these gentlemen being the colonel of a volunteer regiment in the Union army. It has been stated elsewhere that at a later period of the war Colonel Jacob was arrested and sent through the lines and into the Confederate lines. The reason for this remarkable action is supposed to have been the sentiment of Colonel Jacob in relation to the negro question. He was in the service to preserve the Union and not for the sole purpose of bringing about the freedom of the negro slaves, and was manly enough to say so. There was in the army no man truer to the cause of the Union than was Colonel Jacob, but he did not understand that fidelity to the cause in which he risked his life, put a padlock upon his tongue or denied him the privilege of his own opinions. There was in his veins the same blood as that which flowed in those of General Zachary Taylor, the real hero of the Mexican war, and like that sturdy old soldier, he never had an opinion which he was not ready to sustain with his life-blood, if necessary.

Colonel Bramlette, the governor-elect, was an excellent gentleman and a gallant soldier who did his fighting while the war was in progress and not after it had closed. It has been the misfortune of Kentucky to have certain post-bellum soldiers, who have vociferously fought with their jaws for many years since the war and who knew less than nothing of actual warfare during the progress of the great conflict. It is a matter for regret that these "professional" soldiers represent each of the armies, but that regret is tempered by the reflection that the real soldiers of the north and of the south properly estimate these later-day warriors and have for them an assured contempt and a certain amount of pity.

The Federal soldiers who have formed the Grand Army of the Republic, have builded wiser than those of us who form the Confederate Veterans Association. They have no military titles other than that of Commander, while we of the Confederate Veterans' Association have a full roster of officers, with titles from Lieutenant General down to Captain, these titles being bestowed by favor or otherwise, upon men who in many instances, held merely subordinate positions in actual service. The writer of these words, himself a Confederate soldier, honors the comrade who did his duty in the days of stress and trial whether he was a private or a General, but has no patience with the system which makes alleged lieutenant generals, major generals and the like, of men who in some instances, were never heard of during the war, some of whom found congenial employment in Canadian towns for from the battle's rag-

ing front. The claim is made by many, and probably with truth, that the history of the great conflict between the states can never be correctly written by the men who served therein, or by that generation immediately following them. But someone must write it, and when, in the days of the future, the proper historian has taken upon his shoulders the heavy burden of a true and faithful history of that war, he will find in later-day Confederate records, the names of lieutenant generals without a corps; of major generals without a division, and brigadier generals without a brigade. Years ago when the title of "Colonel" was bestowed as numerously as leaves bestrew the vale of Vallambrosa, an irreverent country editor, noting a reference in a city newspaper to the presence of one of these post-bellum colonels in the chief metropolis of the state, gravely inquired in his own paper: "Why is not this man with his regiment?" But such sarcasm is wasted. The professional soldier, whose anger and patriotism never began to flame until after Appomattox's fatal day, we have always with us, and when "taps" shall have sounded over the grave of the last real soldier of the war, there will still be with us some men wearing borrowed lion's skins and military titles never won on the battlefield. And more's the pity. The man who does not grow patriotic until a war is ended usually has some ulterior object back of his patriotism.

The Confederate army, after the battle of Murfreesboro, lay inactive in middle Tennessee with the exception of the three cavalry commands of Morgan, Wheeler and Forrest. Cavalry that is worth anything, is never inactive and nothing was more irksome to the Kentuckians in these three bodies of fighting men than inactivity. When they had nothing else to do they went out of camp, with or without permission, and "pirooted." For the information of those who never had the honor to serve as cavalrymen, it should be stated that "pirooting" meant in the soldier's vocabulary, going after something to eat and to drink, and other things not necessary to be more strictly defined. That the Kentuckians were adepts in the art of accumulating creature comforts will be admitted by every survivor of the stirring days of the war. They were seldom in camp or in line during a march but, by some system of intercommunication never explained or understood, they were always on hand when the fighting began and always stayed until it was over. There were more Kentuckians among the cavalrymen who stayed with Mr. Davis after the surrender of General Lee, than there were of troops from all the other states of the south combined. During the war there was much talk of "dying in the last ditch." The Kentuckians, both infantry and cavalry, marched to the edge of that "ditch" and looked into it, and the only reason why they did not die in it was that their chivalrous opponents objected to such a useless sacrifice and requested them to surrender instead.

CHAPTER LI.

The First Kentucky Cavalry—Kentucky at Chickamauga—The Helm Family—Kentucky Union Boys—Comparative Losses and Strength—Bragg and Morgan Disagree—Morgan "Takes the Bit"—Morgan's Men Captured, Dispersed, Reunited—First Kentucky at Lee and Gordon's Mill—Cavalry Lessons to the World—Retreat from Missionary Ridge—Kentucky Soldiers There.

On June 24, 1863, the Federal forces came out from Murfreesboro and took up the line of march which would bring them in conflict with the Confederate army. On the Manchester road their advance came in conflict with the southern outpost, which happened to be the First Kentucky cavalry of General Wheeler's command. A spirited contest between the rear guard of the regiment and the advance of the Federals was kept up until the Confederates, overwhelmed by superior numbers, were driven back upon the infantry reserves at Hoover's Gap. A sharp engagement, continuing until darkness brought it to a close, was fought by the infantry and cavalry of the two armies, the Confederates holding their ground and not withdrawing until the following day, when under orders from General Bragg, they fell back upon Tullahoma, at which point they joined the main army, and, as was to be expected under Bragg, began another retreat, this time upon Chattanooga on the south bank of the Tennessee river.

The chief point of interest in this retreat to readers of Kentucky history lies in the fact that from Tullahoma to Chattanooga, the regiment covering the extremest rear was the First Kentucky cavalry, which had performed a like service on the retreat of Bragg from Kentucky one year before. There was but little fighting on this retreat, the Federals not showing a disposition to press the retreating army. The weather was the feature which gave the army most concern. During an entire week, the rain, which began during the engagement at Hoover's Gap on the 24th, fell almost without intermission. The rear guard had neither wagons nor tents and when opportunity for rest and sleep occurred, it was taken in rain-soaked clothing, few if any of the troops knowing what it was to have on a dry garment for an entire week. But there was no murmuring; no complaining; the rear guard was composed of Kentuckians, men who had entered the army voluntarily, and who were ready and willing to face every emergency uncomplainingly. Many of these young men were nurtured in wealth and luxury, as wealth was known in those days, and never knew a hardship until they entered the army. These, with their comrades who had known harsher training in early youth, met every condition smilingly, and made ideal soldiers. It is related of Wellington that at the battle of Waterloo, when he saw the Guards go in (the curled darlings of London society, who had never known a greater hardship than finding a crinkled rose-leaf in their beds) he exclaimed: "See the puppies fight!" They fought because they were gentlemen and so the Kentuckians fought. They were born and

bred gentlemen and, knowing their duty, went in and performed it, no matter what the danger or discomfort. These Kentuckians who covered Bragg's retreat from Tullahoma; these First Kentucky cavalrymen, when they came to the bridge across the Tennessee river at Stevenson, Alabama, and found it ablaze, hesitated not a moment, but dashed into the flaming structure and crossed to the other side, scorched, it may be but ready for duty. A year later these same Kentucky cavalrymen, the roughest riding Rough Riders who ever rode to battle, rode through a burning bridge at Columbia, South Carolina, coming out scorched and with their clothing ablaze, but every one of them answered to roll-call on the following morning. One of them devised a regimental toast which is known today from one end of Kentucky to the other: "Here is to our noble selves; there may be better people but we never met them." There may have been something self-laudatory in this sentiment but it was justified, for the First Kentucky to this time, had never known defeat. It had a habit of staying wherever there was trouble, and never surrendered until President Davis had himself surrendered to overwhelming odds. Even then, it did not appear to have had enough of fighting and would have gone over to Mexico and joined Maxmilian, had not General Breckinridge advised them to go back to Kentucky. The Kentuckians who had served in the Federal army, and there were very many of them, had no doubts about their fate when they came home, and to their credit it must be said, that they were very kind to "their friends, the enemy" when the Confederates came home. But this is anticipating events and has no present place in this history of those strenuous days.

On September the 9th, Bragg, true to his nature, evacuated Chattanooga and began a series of maneuvers, intended to crush, in detail, the widely separated corps of the Federal army. This movement failed and on September 19th, the two armies faced each other for a titanic struggle, which began on that day in the vicinity of Lee and Gordon's mill on the Chickamauga river. General Buckner, a Kentuckian, commanded a corps on the left wing, and General Preston, another Kentuckian, commanded the division that covered the ford at Lee & Gordon's mill. General Longstreet, with his veterans from the Army of Northern Virginia, who had come to Bragg's relief, was on Buckner's right. There was heavy but no decisive fighting in the afternoon of the 19th, but everyone understood that this was but preliminary to the great struggle which was to come on the following day. It had been the intention of General Bragg to attack early in the morning of the 20th, and many of his troops, among others the First Kentucky cavalry, were in line when the sun rose. But there was delay upon the part of the troops who were to support Cleburne's division on the right and it was half past nine before the battle began.

"And there stood old Kentucky," General Breckinridge says in his report, the present writer again quoting from Col. Stoddard Johnston: "The battle was opened by Helm (a Kentuckian commanding Kentuckians) with great fury. The Second and Ninth Kentucky, with three companies of the Forty-first Alabama, encountered the left of a line of breastworks before reaching the Chattanooga road, and, though assailing them with great courage, were compelled to pause. From some cause, the line on my left had not advanced simultaneously with my division, and in consequence these brave troops were, at first, in addition to the fire in front, subjected to a severe enfilading fire from the left. The rest of Helm's brigade, in whose front there were no works, after a short but sharp engagement, routed a line of the enemy, pursued it across the Chattanooga road and captured a section of artillery in the center of the road. This portion of the Kentucky brigade was

now brought under a heavy and enfilading fire and being separated from its left, I ordered Col. Joseph H. Lewis, who succeeded to the command on the fall of General Helm, to withdraw the troops some two hundred yards to the rear, reunite the brigade and change his front slightly to meet the new order of things by throwing forward his right and retiring his left. The movement was made without panic or confusion. This was one of the bloodiest encounters of the day. General Helm, ever ready for action and endeared to his command by his many virtues, received a mortal wound while in the heroic discharge of duty. Col. J. W. Hewitt, of the Second Kentucky, was killed, acting gallantly at the head of his regiment. Captains Madeira, Rogers and Dedman, of the Second Regiment, Captain Daniel of the Ninth Kentucky and many officers and men, met their death before the enemy's works; while Colonel Nuckols of the Fourth Kentucky, Colonel John W. Caldwell of the Ninth, and many more officers and men were wounded."

Without entering into the details of this great battle, the object of the writer being to relate the part played therein by Kenuckians, it may be stated that the Federal army, with the exception of that part of it commanded by Gen. George H. Thomas, a Virginian who had declined to follow General Lee into the service of his native state, was sent flying back to Chattanooga, led by its commander, General Rosecrans. General Thomas, in the face of repeated attacks, held his position after the remainder of the army had retreated and won lasting renown as "The Rock of Chickamauga." Charles A. Dana, the famous editor of the *New York Sun,* who was at that time an assistant secretary of war, and who was on this bloody field, says: "Rosecrans' defeat was a veritable Bull Run. There remained but one point of Federal resistance, besides that of Thomas, and that was the wooded hills near McFarland's Gap, the key to the Federal position."

Colonel Johnston, referring to the conduct of another Kentuckian in this tremendous conflict, says: "General Preston, who had as a guide, Dyer, whose house stood on the battlefield near by, and from whom he learned the nature of the topography in the front, followed after Hindman's and McLaw's divisions, which had met a heavy repulse, and moving up a ravine beyond Snodgrass house, charged the flank of Granger and Steedman, posted with artillery on commanding ridges. It was bloody, but effective work, resulting in the complete rout of the enemy and the capture of the Eighty-ninth Ohio, the Twenty-second Michigan and part of the Twenty-first Ohio regiments. This bold and decisive work which closed the battle as the sun set, was one of the most gallant affairs of the war and, like that of Breckinridge on the right, was made upon General Preston's own judgment, as he was ordered originally merely to support Hindman. A British officer present compared Preston to Dessaix and said his charge was one of the greatest in history. The Fifth Kentucky, Colonel Hawkins, was conspicuous for gallantry in this fight." And do not forget that Preston and Hawkins, and the men of the latter's regiment, were Kentuckians.

Colonel Johnston concludes his report of the battle in these words: "In the confusion resulting from the change of lines, the smoke of battle, and approach of night, it was difficult to comprehend the full effect of this Confederate victory. The enemy beaten at every point, availing himself of the favorable conditions, retreated in the direction of Chattanooga, and the Confederate army, worn down by long and arduous labors, with all commands mingled in promiscuous confusion went to sleep on the battlefield, each where he found himself. The further details of what followed, the fatality which, arising partly from the want of sufficient force, but chiefly from the lack of Stonewall Jackson's persistence, lost the full fruits of victory, belong to general history. It has been the aim in this

narrative to sketch briefly only so much of the battle as will show to their countrymen the part performed by the Confederate soldiers from Kentucky and their gallant officers. For small, yet affective, as were the number of muskets, no troops fought more bravely and no state was more ably represented than was Kentucky in her trio of generals—Breckinridge, Preston and Buckner—noble men all, who were never separated in friendship by faction or by jealousy, and who illustrated in their character and deeds the elements which make men great and have made their state famous. Each, by the unanimous verdict of the army, earned an advancement in grade; but Kentucky was already top-heavy in rank proportionate to her troops in the service, and other states clamored for recognition of their sons. Later in the war, General Buckner was made a lieutenant general and just before the close, General Preston a major general."

Elsewhere in this history it has been stated that Gen. Ben Hardin Helm, who fell at Chickamauga, and President Lincoln were brothers-in-law, having each of them married a Miss Todd of Kentucky who were half-sisters. General Helm was a son of Gov. John L. Helm, one of Kentucky's foremost citizens both in politics and in business affairs. In the latter capacity, he was the first president of the Louisville and Nashville Railroad. At the time of his death, he was the governor of Kentucky, but never assumed the duties of that position, having taken the oath of office at his home in Hardin county in 1887 while lying on a bed of sickness and dying soon afterwards. His eldest son, the grandson of the illustrious Ben Hardin, whose name he bore, was educated at West Point, and on his graduation from that institution became an officer of the regular army. After several years' service, he resigned, studied law and began the practice in Louisville with his brother-in-law, the Hon. Horatio W. Bruce, who was subsequently to serve in the Confederate congress as one of the representatives from Kentucky. At the inception of the war, Mr. Lincoln invited General Helm to visit him in Washington, and while there the president offered him a commission as paymaster in the army, which was declined. Returning to Kentucky, he cast his fortunes with the south, and during the summer and early fall of 1861, organized the First Kentucky cavalry, of which he was the first colonel. He was subsequently promoted to brigadier general and at the battle of Baton Rouge, Louisiana, received such injuries through the fall of his horse, as incapacitated him for active service. When his injuries permitted a return to duty, he was assigned to post duty at Chattanooga during the winter of 1862-3. Recovering, in part, from his serious injuries, he assumed command of the First Kentucky brigade of infantry and fell while gallantly leading it to victory at Chickamauga. Twenty years later his remains were brought back to Kentucky and laid to their final rest, with his kindred gone before, in the family burial ground near Elizabethtown, a large delegation from the survivors of the First Kentucky cavalry, and of the Orphan Brigade he had so gallantly led at Chickamauga, being present.

Kentucky, as has always been the case when there was fighting to be done, was conspicuous in the tremendous conflict at Chickamauga. The Federal troops from Kentucky who participated in the battle were as follows: Fifteenth Kentucky, Col. Marion C. Taylor, which regiment had lost all of its field officers at Perryville, Kentucky, and many of its men; Col. John T. Croxton, commander of the second brigade of General Brannan's division, wounded; Col. William H. Hays (wounded), who was, in later years, United States district judge for Kentucky; Lieutenant Colonel P. Burgess Hunt, of the Fourth Kentucky, who was wounded; Major Robert M. Killy of the same regiment; Major Gabriel C. Wharton, later United States

district attorney for Kentucky; Col. H. K. Milward of the Eighteenth Kentucky, wounded. Colonel Milward is now, and has long been, a respected citizen of Lexington and the affectionate regard in which he is held by those who formerly opposed him on the battle line, is shown by his being honored with complimentary membership in the Confederate organization of "Morgan's Men." The escort of Gen. Alexander McDowell McCook, one of the seven fighting McCook brothers of Ohio, was from the Second Kentucky cavalry, commanded by Capt. George W. L. Bateman. Other Kentucky officers and commands at Chickamauga: Col. Wm. W. Berry, commanding the Fifth Kentucky infantry and Capt. John M. Huston; Brigadier General T. J. Wood, commanding the First Brigade of the Twenty-first Army corps under Major General Thomas L. Crittenden; Col. Henry C. Dunlap, Third Kentucky; Gen. John M. Palmer, second division of the Twenty-first army corps; Col. Thomas D. Sedgewick, Second Kentucky infantry; Col. George D. Shackelford of the Sixth Kentucky; Lieutenant Colonel Richard Rockingham (killed); Major Richard T. Whittaker, Lieutenant Colonel James C. Fry, Col. George H. Cram, Ninth Kentucky; Col. Alexander M. Stout, Seventeenth Kentucky; Col. Sidney M. Barnes, commanding Third brigade; Brigadier General Walter C. Whittaker; Col. Louis D. Watkins; Col. Thomas P. Nichols, Second Kentucky Cavalry.

Total Union loss: Killed, 1,656; wounded, 9,749; captured or missing, 4,774; total, 16,-179. Partly official reports and partly estimated by the reports in the "Century Magazine" ("Battles and Leaders of the Civil War") gives the total Federal forces as 56,-965.

The Kentucky Confederate troops in the battle were as follows, as stated by the same publication: Major General John C. Breckinridge, commanding division; Brigadier General Ben Hardin Helm, killed, Col. Joseph H. Lewis, succeeding to the command of the First Kentucky Brigade; Col. J. W. Hewitt, killed, Lieutenant Colonel J. W. Moss, succeeding to the command of the Second Kentucky; Col. Joseph P. Nuckols, Fourth Kentucky, wounded, Major Thomas W. Thompson, succeeding; Col. Joseph H. Lewis, Sixth Kentucky, Lieutenant Colonel Martin Hardin Cofer succeeding when the former took command of the brigade; Col. John W. Caldwell, Ninth Kentucky, wounded, Lieutenant Colonel John Crepps Wickliffe succeeding; Major Rice E. Graves, Kentucky artillery, killed; Brigadier General Wm. Preston, commanding a division; Major General Simon B. Buckner, commanding a corps; and Col. Hiram Hawkins, Fifth Kentucky. Cavalry commands: Lieutenant Col. Jacob W. Griffith, First Kentucky; a detachment of Gen. John H. Morgan's command, Lieutenant Colonel Robert M. Martin.

Total Confederate loss: killed, 2,389; wounded, 13,412; missing, 2,003; total, 17,-804. The total of General Bragg's forces is stated by northern authorities to have been 71,551 men at this battle, but those who participated in the great struggle know this estimate to have been far above the actual figures. Bragg's force was much nearer 50,000 men than the estimate given by those who met them on the opposing lines.

Whatever may be said of the strength of the opposing forces, it may be stated without contradiction, that General Bragg won a victory at Chickamauga and did not know how to take advantage of it. It was a new sensation for him and disarranged all his preconceived plans for the customary retreat. He might have left a sufficient force upon the field to entertain General Thomas on the following day, and, pushing forward upon the rear of Rosecran's demoralized army, could have driven it to surrender or into the Tennessee river. But being Bragg, he sat down upon

the field, permitted Thomas to withdraw his forces to Chattanooga and two months later, had the humiliation of being driven from Missionary Ridge by the troops whom he might have captured, had he had the spirit of initiative at Chickamauga, and pressed close upon the rear of the army his gallant soldiers had defeated. It is to the credit of the men whom General Bragg commanded that they never lost heart nor courage and were always ready for every duty, though they felt that their best endeavors were wasted so long as General Bragg was in supreme command. No general in the army could conduct so masterly a retreat as he; no other general was so helpless in the presence of a victory. He meant well; was true to the cause for which he fought, but was utterly incompetent in the face of victory.

It becomes necessary at this point to recur to an earlier period in the war in order to relate circumstances connected with the operations of the Federal and Confederate cavalry from Kentucky. When General Bragg conceived the idea of a withdrawal of his army from middle Tennessee to a point somewhere near Chattanooga, where he hoped to turn upon the enemy and administer a crushing blow, he recognized his peril with just appreciation. He knew the magnitude of the forces opposing him. He expected Rosecrans, who was in his immediate front, to press hard upon him. Burnside in east Tennessee was expected to move in force upon General Buckner, whose position would not allow him to weaken his force by sending reinforcements to Bragg. Judah, a sort of unknown quantity, it was supposed might interfere with the movements of Bragg's cavalry, and in certain contingencies might turn the right flank of the army, if it remained at Tullahoma, and by rapid marches through the fertile Sequachie Valley, appear before Chattanooga, far in the rear of the army.

It is difficult to understand how Judah could have reached Chattanooga or a junction with Burnside, so long as Bragg had Morgan, Wheeler and Forrest at the head of his incomparable cavalry. But out of abundant caution, he planned to prevent such a movement. General Duke, in the "History of Morgan's Cavalry," says: "General Bragg knew how to use and invariably used his cavalry to good purpose, and in this emergency, he resolved to employ some of it to divert from his own hazardous movement, and fasten upon some other quarter, the attention of a portion of the opposing forces. He hoped not only to give them enough to do, to prevent them from annoying and endangering his retreat, but also to draw off a part of their forces from the great battle which he expected to fight. He selected General Morgan as the officer who should accomplish this design.

"In the conference between them, General Morgan expressed a perfect confidence in his ability to effect all that was desired of him, but dissented from General Bragg in one important particular. The latter wished him to confine himself to Kentucky—giving him *carte blanche* to go wherever he pleased in that state and urging him to attempt the capture of Louisville. General Morgan declared that while he could by a dash into Kentucky and a march through that state, protect General Bragg's withdrawal from the position his army then held, he could not thus accomplish the other equally important feature of the plan, and draw off troops which would otherwise strengthen Rosecrans for the decisive battle.

"A raid into Kentucky would keep Judah busy and hold Burnside fast until it was decided, but, he contended, it would be decided very soon and he would be driven out or cut to pieces in a few days, leaving the Federal forces so disposed that they could readily commence their previously determined operations. A raid into Indiana and Ohio, on the contrary, he contended, would draw all the troops

in Kentucky after him and keep them employed for weeks. Although there might be sound military reasons why Judah and Burnside should not follow him, but should stick to what the Confederate officers deemed the original programme of Rosecrans, General Morgan urged that the scare and the clamor in the states he proposed to invade, would he so great that the military leaders and the administration would be compelled to furnish the troops that would be called for. He thought that, even if he lost his command, he could greatly benefit General Bragg by crossing the Ohio river and only in that way.

"General Bragg refused him permission to make the raid, as he desired to make it and ordered him to confine himself to Kentucky. I was not present at the interview between them, but General Morgan told me that General Bragg had ordered him to operate in Kentucky and further stated that he intended, notwithstanding his orders, to cross the Ohio. I do not mean to justify his disobedience of orders, but simply to narrate the facts as I learned them, and to explain General Morgan's ideas regarding the movement, which were definite and fixed. This expedition into the northwestern states had long been a favorite idea with him and was but the practical development of his theory of the proper way to make war, to-wit—by going deep into the country of the enemy. He had for several weeks, seen the necessity of some such diversion on General Bragg's behalf, and believed that the period for the accomplishment of his great desire was at hand.

"He had ordered me, three weeks previously, to send intelligent men to examine the fords of the upper Ohio—that at Buffington Island among them—and it is a fact, of which others are cognizant, as well as myself, long before he crossed the Ohio, to make no effort to recross it except at some of these fords unless he found it more expedient, when he reached that region, to join General Lee, if the latter should still be in Pennsylvania. * * * He did not disguise from himself the great dangers he encountered, but was sanguine of success. As it turned out, only the unprecedented rise in the Ohio river caused his capture—he had avoided or cut his way through all other dangers. * * * At Green River Bridge, General Morgan encountered a force of very persistent Federals, under command of Colonel Moore of a Michigan regiment. This officer was a very patriotic man and in reply to General Morgan's demand for a surrender, made on the 4th of July, replied that 'it is a bad day for surrenders and I would rather not.' This officer evidently enjoyed a 'scrapping match' and he had it before the day was over. In the attack which followed, Colonel Chenault and Major Brent, two very excellent officers, were killed as were a number of their men. General Morgan, finding that he had stirred up a hornet's nest and that his men were fast being killed and wounded, withdrew from the attack and proceeded on his march, the wounded of his command being left in charge of his surgeons and chaplains, and it is to the credit of the gallant Colonel Moore, who did not like to surrender on the Fourth of July, that in caring for the wounded he proved himself as humane, as he was gallant and skillful."

On the night of July 4th, the division was within five miles of Lebanon where there was a force of the Federals. On the following morning, these were attacked and after a spirited engagement, the Federals surrendered, their commander being Col. Charles S. Hanson, brother of the lamented Col. Roger W. Hanson of the Second Kentucky Confederate regiment, who had fallen at the battle of Murfreesboro. "At the last moment of this fight," says General Duke, "a sad loss befell us. Lieutenant Thomas Morgan, younger brother of the general, was killed just before the enemy surrendered. He was the first lieutenant of

Company I, of the Second Kentucky, but was serving at the time of his death on my staff. He had frequently been remonstrated with on that day regarding the reckless exposure of his person and General Morgan had once ordered him to leave the front. He was stricken by the fate which his friends feared for him. When the Second Kentucky advanced, he rushed in front of it, and while firing his pistol at the windows of the depot, was shot through the heart. He exclaimed to his brother Calvin that he was killed, and fell a corpse into the latter's arms. He was but nineteen when killed, but was a veteran in service and experience. The first of six brothers to join the Confederate army, he had displayed his devotion to the cause he had espoused in the field and in the prison. I have never known a boy of so much genius and of so bright and winning a temper. His handsome, joyous face and gallant, courteous bearing made him very popular. He was the pet and idol of the Second Kentucky. General Morgan, whose love for the members of his family was of the most devoted character, was compelled to forego the indulgence of his own grief to restrain the Second Kentucky, furious at the death of their favorite. When his death became generally known, there was not a dry eye in the command."

The command reached Brandenburg on the 8th, where it found Captains Sam Taylor and Clay Meriwether, who had been sent forward to arrange means of crossing the Ohio into Indiana. They had captured two fine steamers and held them in readiness for General Morgan's use. Here, too, was found Capt. Thomas H. Hines who had preceded the main body of the command. He had been ordered to scout "north of the Cumberland river" and had interpreted his orders so literally as to cross the Ohio river and stir up the folks over there. General Duke says of him and his performance: "He had crossed into Indiana, made his presence known to the people of the state in various ways, and penetrated as far into the interior of the state as Seymour, at the junction of the Ohio and Mississippi and Cincinnati and Indianapolis railways. He here effected a junction with a greatly more numerous body of militia, which induced him to retrace his steps rapidly to the Ohio which he recrossed and arrived at Brandenburg on the very day that we got there. We found him leaning against the side of the wharfboat with sleepy, melancholy look, apparently the most listless inoffensive youth that was ever imposed upon." Of course Captain Hines explained to General Morgan that the state of Indiana was "north of the Cumberland" and that his orders justified his movements. General Morgan had reason later for having this melancholy young captain with him.

After the war had ended, Captain Hines was a prominent member of the bar at Bowling Green, was a member of the court of appeals of the state, and subsequently served in the latest constitutional convention as the delegate from Franklin county, dying not long after this latest service to the state.

General Morgan crossed his forces into Indiana without losses and began the march which was to cause the greatest excitement in that state and Ohio and culminate in the capture of himself and most of his command. It is not the purpose of this work to detail the events of this famous raid. It is enough to say that the entire north was aroused and that hard upon the rear of Morgan and his gallant troopers rode Federal cavalry, anxious to have the honor of his capture. Among these were General Hobson, Col. Frank Wolford, and Col. Richard T. Jacob, Kentuckians all, who followed fast upon the rear of the raiding columns. After many vicissitudes, some full of danger, others full of grim humor, General Morgan and the greater portion of his command surrendered. The Ohio river had risen to prevent fording; Federal gunboats were at

the points where General Morgan had hoped to cross; his men and horses were worn out and there was nothing left but a surrender. General Morgan and most of his chief officers were taken to Columbus, Ohio, and confined in the state prison, a disagreeable tribute to them on the part of the Federal authorities who knew that no ordinary military prison would long restrain the liberty of Morgan and his men. After being confined for some months in the Ohio prison, the Federals were convinced that not even the stone walls of a modern Bastile could confine Morgan and his men. General Morgan, Captains Thomas H. Hines, Ralph Sheldon,, Sam Taylor, Jacob Bennett, James Hockersmith and Gustavus McGee, made their escape and returned to the south in safety. Their comrades passed through many vicissitudes of prison life, but finally concluded that they could endure them since they could not help themselves, hoping always to find an opportunity for escape. Few of them ever realized this hope, and remained in the toils of the enemy for many weary months.

Some of Morgan's men escaped capture at Buffington Island and "marched many a weary mile through the mountains of Virginia. At last, worn down and half-famished, they gained the Confederate lines and first found rest at the beautiful village of Wytheville, in southwestern Virginia." The last statement is quoted from General Duke as is the following: "The scattered remnants of General Morgan's command, under command of Col. Adam R. Johnson, were ordered to rendezvous under command of the latter who reported to Gen. Simon Bolivar Buckner. These orders were published in the Knoxville papers, and when it was known that every man who had been left behind when Morgan began his raid upon Ohio, could rejoin his command, those who came within the provisions of the call came forward hurriedly. They did not stay behind because they wished to but because they had to do so." From Wytheville they passed leisurely down the fair valley not then scarred by the cruel ravages of war, to the vicinity of Knoxville. Col. Adam R. Johnson then endeavored to collect and organize them all. In August, 1863, Colonel Johnson issued orders, under Gen. S. B. Buckner, for all men belonging to General Morgan's command to report to him at Morristown, east Tennessee. These orders being made known, all of Morgan's men so specified, pressed forward to the point designated. These men were organized into two battalions—one commanded by Captain Kirkpatrick and the other by Captain Dortch.

The men of Morgan's command were in the battle of Missionary Ridge, though the infantry, every member of which wished that he was a cavalryman, objected to having "the cavalry placed in front of them in a fight." But the cavalry pressed forward and the infantry did not catch up with them during the fight. The cavalry was dismounted and, fighting on foot, was not to be distinguished from the infantry forces. As a matter of fact, the Confederate cavalry was armed with Enfield rifles and did its fighting on foot, only using its horses as a means of rapid transit from one point to another. They were as good soldiers as the infantry and did as good fighting whenever called upon. As a matter of historical fact, the remnant of Morgan's splendid command fired the first and the last shot at Chickamauga.

It has been many times stated that the Indian word "Chickamauga" means "the river of blood," but it is impossible to verify this claim. Perhaps it is true; certainly it was a river of blood on that 20th of September, 1863. Men fought across it from bank to bank; men fell into its waters stricken by the missiles of the opposing forces. The First Kentucky cavalry, in the Confederate forces, fought across this stream during the earlier hours of the contest. Late in the afternoon

on the 20th of September, they charged the Federals at Lee and Gordon's mill and drove from the works the command of Gen. John M. Palmer, himself a native of Kentucky, but commanding a splendid body of Illinois infantry. Recognizing that the Confederates, pressing their advantage, gained at other points along the battle line, would soon move forward in their front, the Federals at Lee and Gordon's mill, cut the mill dam and let the confined waters flow downward without restraint. The First Kentucky came in a charge to the banks of the stream and finding the water unconfined, the men of that command took off their cartridge boxes and holding them and their guns high above their heads, plunged into the stream and made their way towards the side from which the Illinois troops were pouring into them, from behind log breastworks, a destructive fire. The attacking forces could not, of course, fire upon the Federals while crossing the stream, but like the Irish troops at Fontenoy, they went "ever right onward still," and drove General Palmer's brave fellows from their works. The writer may, perhaps, be pardoned for the statement that the company of which he was a member, led this advance and that he was at the head of the company by the side of the commanding officer. The pursuit of the retreating Federals was kept up until dark intervened and among the captures made by this force was the field hospital of General Palmer's division which was not interfered with, as the surgeons, in their mission of mercy, had made no discrimination between Federals and Confederates. When the advancing force of the Confederates had approached this hospital, the wounded Confederates who were able to walk about, came out of the hospital tents and requested that the surgeons, who had been kind to them, should not be stopped in their mission of mercy. Nor were they. There was no Red Cross organization in those days, but the contending forces recognized that the surgeon's mission was one of mercy and that the uniform worn by a stricken soldier played no part in the efforts to save the life of its wearer. No soldier of the Union or of the south in those dreadful days, but is willing to extend the fullest meed of praise to the medical men who looked after their wounds. Perhaps they were a little prone to amputations, but the medical faculty did not know as much in those days as they do now, and they probably did the best they knew how.

Going back now to the movements of the cavalry, after the battle of Chickamauga, General Duke's "History of Morgan's Command," says: "General Forrest and Colonel Scott both complimented our little command more than once during the battle. Immediately after the battle, the entire cavalry command of the Army of Tennessee was actively employed. The two battalions of our command were separated, Dortch going with Forrest up the Chattanooga and Knoxville railroad; Kirkpatrick went with Wheeler on his raid through middle Tennessee. Dortch was in the fight against Wolford's Kentucky cavalry at Philadelphia, Tennessee; in the skirmishes at Loudon and Marysville and at the siege of Knoxville. Kirkpatrick's battalion was at the fights at McMinnville, Murfreesboro, Shelbyville and Sugar Creek. In the latter fight, Wheeler's whole force fell back rapidly and Kirkpatrick was kept in the rear until we reached the Tennessee river. (The First Kentucky cavalry was also in the rear with Kirkpatrick's battalion and participated in all the fights made against the pursuing Federal forces.) When we returned to the army, Kirkpatrick's battalion was placed on severe picket duty, its line extending from the mouth of the Chickamauga up the Tennessee river some three miles, where it connected with the line of the First Kentucky cavalry. This duty was exceedingly heavy. The pickets stood in squads of three, every four hundred yards, with mounted patrols to

ride the whole length of the line. One would suppose that men who had ridden through the states of Tennessee, Kentucky, Ohio, Indiana, Virginia and Georgia, and been in as many as twenty-five or thirty engagements in the space of three months, would be completely worn out, discouraged and disheartened. Not so, however; the few left were willing and anxious to thoroughly do a soldier's duty."

There came an order to dismount the few men of Morgan's command; the men who had written a new page into the history of cavalry warfare; the men who had taught the world new lessons in the use of cavalry. General Forrest fought against this order, and won his fight at the cost of his own command. He won for the Kentuckians, but lost for the Tennesseeans. His own splendid command was taken from him and he had afterward only conscripts and absentees from other commands, but he went forward with these and won battles in the future as he had won them in the past. In the western army, Morgan, Forrest and Wheeler taught the military students of the world lessons of which they had never dreamed, and established for the mounted American soldier a high standard which the cavalry of no other nation has ever attained.

These brave battalions of Morgan's men patiently endured all privations, bravely met all dangers, while they patiently watched and waited for the return to them of their imprisoned leader. These battalions never doubting that he would come back to them, were at length placed in a brigade of Kentucky cavalry commanded by Col. J. Warren Grigsby in which were the Ninth and the First Kentucky cavalry.



Bred in Old Kentucky

Then came the long, cold nights of the dreary winter of 1863-4. The Kentucky cavalry shivered through the dark dragging hours, half-clad, half-fed, but never relaxing for a moment their vigilant watch-guard over the sleeping army which on the heights of Missionary Ridge encompassed General Grant and his army in Chattanooga. On the heights of Lookout Mountain, where the fabled "battle above the clouds" was alleged to have been

fought, and on Waldron's Ridge, blazed the signal lights of the Federal army.

Duke says in his history: "The Federal battalions poured one night across the river, the bright blaze and quick crash of rifles suddenly breaking out along the picket line. Then followed hurried saddling and rapid reinforcement, but the steady Federal advance drove the cavalry back. Even amid the snarl of musketry and roar of cannon, could be heard the plash of boats plying from shore to shore. Couriers were sent to army headquarters with the information, but losing their way in the pitch darkness did not report until daylight.

"Next day came the grand Federal attack and the terrible and unaccountable 'stampede' of the entire Confederate army from Missionary Ridge—that army which a few weeks before had won the great victory of Chicamauga."

But was it unaccountable that the army was in retreat? General Bragg was in command, and that meant retreat. The wonder is that the gallant men whom he commanded should have retained their spirits and been always ready for battle when called upon. It is the highest tribute to the soldierly character of this army that it never lost its splendid morale and was always ready for action.

Bragg fell back upon Dalton, Georgia, his rear being covered in his retreat, as usual, by Kentuckians—the Orphan brigade, the remnants of Morgan's command and the First and Ninth Kentucky cavalry. The army withdrew in safety to Dalton. At Ringgold Gap, Osterhaus' Federal division pressed too closely on the retreating forces and received a salutary lesson. The First Kentucky cavalry was in the extreme rear of the Confederate forces and when Osterhaus attacked, it made a pretense at defense and then precipitately retreated through the gap, to draw the enemy forward. The Federals came forward in heavy columns, and as they approached the Gap were fired upon by concealed artillery and infantry with distressing effect, hundreds of them falling at the first fire. The contest continued during the greater part of the day, but was always in favor of the Confederates. One regiment of the latter, having exhausted its ammunition, resisted a charge of the Federals up Taylor's Ridge with stones thrown by hand and large rocks which were rolled down upon the assaulting columns, and which forced them to desist and withdraw from the attack. The Confederate army, without much interruption from the Federals, spent the disagreeable winter of 1863 and 1864 at or near Dalton, the cavalry alone assuming special activity. They, of course, never knew the meaning of winter quarters.

The Federal troops from Kentucky who participated in the battle of Missionary Ridge were: Gen. W. C. Whittaker; Eighth Kentucky infantry, Col. Sidney M. Barnes; Third Kentucky infantry, Col. Henry C. Dunlap; Fifteenth Kentucky infantry, Col. Wm. W. Berry, wounded; Lieutenant Col. John L. Treanor; Sixth Kentucky infantry, Major Richard T. Whittaker; Twenty-third Kentucky infantry, Lieutenant Colonel James C. Fox; Ninth Kentucky infantry, Col. George H. Cram; Seventeenth Kentucky infantry, Col. Alexander M. Stout; Twenty-first Kentucky infantry, Col. Samuel W. Price; Fourth Kentucky infantry, Major Robert M. Kelley; Tenth Kentucky infantry, Col. William Hays, Lieutenant Colonel Gabriel C. Wharton.

The Confederate troops engaged who were Kentuckians, were as follows: Major General John C. Breckinridge; Brigadier General Joseph H. Lewis; Second Kentucky infantry, Col. James W. Moss; Fourth Kentucky infantry, Lieutenant Colonel Thomas W. Thompson; Fifth Kentucky infantry, Col. Hiram Hawkins; Sixth Kentucky infantry, Lieutenant Colonel William L. Clark; Ninth Kentucky infantry, Lieutenant Colonel John Crepps Wickliffe; Cobbs' Kentucky battery, Lieutenant Frank P. Gracie; First Kentucky

cavalry, Lieutenant Colonel Jacob W. Griffith.

According to the reports in the "Century Magazine" articles referring to the war, the Federal losses were as follows: Total Union loss: killed, 752; wounded, 4,713; captured or missing, 350; total, 5,815.

Confederate loss: killed, 361; wounded, 2,180; captured or missing, 4,146; total, 6,687.

CHAPTER LII.

Enrollment of Colored Troops—Rebel and Union Guerrillas—Burbridge, Kentucky's Dishonored Son—Federal Interference and Offical Outrages—Last of Burbridge and His Rule—The End of the War.

In January, 1864, Gen. Jere T. Boyle, very much to the regret of all Kentuckians who wished that the horrors of warfare should, as far as possible, be mitigated, resigned from the army and was succeeded in command of the district of Kentucky by General Ammen. On February 1st of this year, President Lincoln ordered a draft for the purpose of raising an additional force of half a million men. The one-time popular song "We are coming, Father Abraham, three hundred thousand more" had lost its rhythm; the country had sent many thousand of its young men to the front and those remaining at home showed little disposition to offer themselves as "food for powder." The young emigrants from Ireland and Germany, who were tempted by bounties and good pay, were not coming over as rapidly as had been the case before, and it was necessary to recruit the army by enforced enlistments. Hence the order for a draft.

At the time when this draft was ordered, the report of Adjutant General John W. Finnell showed that Kentucky had sent to the Federal army, 35,760 infantry; 15,362 cavalry and 823 artillerymen, besides 2,957 sixty-days men; a total of 54,902.

On February 29th, the enrollment without delay, of colored troops, was ordered by Gen. James B. Fry, provost marshal general. "Smith's History," treating of this troubled period, says: "The enrollment of colored troops was denounced by some of the most active and leading Federal officers in Kentucky, among whom were Colonels Frank Wolford and Richard T. Jacob, the latter being at that time lieutenant governor of the state. For language used in condemnation of this policy, Colonel Wolford was arrested and afterwards dishonorably dismissed from the army of the United States 'for speaking disrespectfully of the president of the United States' and for alleged disloyalty." In June of the same year, Governor Bramlette, a former colonel in the Federal army and a good man, commissioned Colonel Wolford to raise a regiment of men for service in the Union army. Colonel Wolford was a diamond in the rough; a man who appeared to love fighting for fighting's sake and who never concealed his opinions whatever they might be. Reference has been made elsewhere in this work to the general activity of the colonel's imaginations, stories about which can scarcely find a place in the serious pages of a history of his day and time. He was the idol of his men and of his party and after the war was ended represented his district in congress for several terms, being, perhaps the only Democrat who could have been elected to that honor in his district.

There was much opposition in Kentucky to the enlistment of negroes in the army, and Governor Bramlette, always a man of peace, issued a proclamation in which he recommended that the people submit quietly to the enrollment of the negro troops. Gen. Stephen G. Burbridge, a native of Kentucky and of un-

savory memory, had succeeded General Ammen in command, and he now issued a general order for the enlistment of negro troops, but, out of abundant caution, he specified that they should be sent to camps of instruction and drill outside the state.

The legislature, with an almost unanimous Union strength, adopted a resolution of protest against the enlistment of negroes and requested the president to remove the camps of such soldiers beyond the state. "These were but the expressions of a sentiment," says Smith, "the instinctive outgrowth of the relation of the negro in slavery, of the property rights in him and of the prejudices against his uses in any position of equality with the white race. But this opposition of a prejudiced sentiment gradually gave way with the familiarity of the practice of such enlistments and the people became reconciled, or passively submissive, to this expediency of the government; and other circumstances made this usage more tolerable to the people of Kentucky. The increased demands and calls of the Federal government for new levies of troops to recruit and strengthen the armies in the field had exhausted the ardor and resources of the volunteer element, and compelled the government to the alternative of decimating drafts. As, by lot, many white citizens of means were among the drafted who were unwilling or unprepared to enter upon a soldier's life, great demand sprang up for substitutes, which were allowed and accepted by the government. These substitutes came now in great demand at an appreciable market value, in every part of the state. From $700 to $1,500 were offered and paid by citizens upon whom the lot of draft had fallen, according to the supply and demand of the community. Quite a brokerage speculation sprang up among the horde of mercenary men who swarmed out of the ranks of citizenship and of official and military ranks to seize upon the thousand opportunities that a civil war affords of speculative gains. This dealing in substitutes, a sudden source of profit, was largely carried on by provost marshals or some favored second, who could control this singular traffic in human bodies. At this time, the negro was still the slave property of his master in Kentucky, as the Emancipation Proclamation did not apply to this state. As the destruction of the institution seemed inevitable and near at hand, and as the slaves were unmerchantable otherwise, many owners seized upon the opportunity to convert this species of property into money, and bargained with the recruitng authorities, conceding a good percentage of the sale money. But few masters were instinctively inclined to thus dispose of their slaves, for whom they entertained humane and kindly feelings of attachment; but the new policy of enlisting negroes, so captivating to the African, a lifetime in bondage, was rapidly sweeping from the country the negro males capable of military services. The owners felt that such slaves would soon desert them under the irresistible influences of the recruiting agencies, who would transfer them to the ranks of the Union army."

During 1864, there came upon Kentucky the scourge of guerrilla warfare, that constant accompaniment of war in all civilized lands. These bands of marauders wore today the uniform of the southern soldiers; tomorrow, that of the Union forces. They belonged to neither army and brought reproach upon both. Made up in most cases of deserters from either army, they recognized no flag as their own and plundered alike the friends of the Union and of the south. Candor compels the statement that many of these marauders claimed some sort of allegiance to the south upon which they brought reproach. Smith, who was at home in Kentucky while these desperadoes were operating, says of them: "Apparently reckless of all responsibility to the laws of God or man, they gave themselves to an unrestrained license of revengeful murder, of

bold and daring robbery, and of deeds of violence and outrage which were without the pale of civilized warfare. * * * These bands were made up of a strange medley of characters. Here, one had become a desperado, devoting his life to revenge for an outrage by some military enemy upon mother, or wife, or sister. Another, in fierce wrath, had "declared undying war for the wanton murder, by armed violence, of a father or brother. Yet another, because his house and property had vanished in smoke and ashes in the track of an opposing army, had sworn to reimburse or revenge himself on guilty or innocent. These cruel wrongs are but the incidents of war which even the best men in authority are unable to avert; so this outgrowth of desperate character is the exceptional growth of war, which good men and good government cannot repress nor be responsible for."

These irregular forces included in their ranks yet others than those named above. These were the young men of Kentucky who desired to enlist in the Confederate army and found no opportunity to do so until these irregular bands came within their reach. Believing them to be regular Confederate cavalrymen, these young men had no hesitancy in joining their ranks, hoping thus to be enabled to pass through the all-encompassing Federal lines and join the commands of Morgan, Wheeler or Forrest. These were not bad young men; to the contrary, they were of that character which won the high praise borne by the regular Confederate troops who claimed Kentucky as their birthplace. They were simply and innocently in "bad company," for the time being, and they got out of that company as soon as opportunity presented.

Gen. Basil Duke, a Kentuckian proud of his state, of its splendid military record, and of its sons who have shed luster upon it, regardless of the uniform which they wore, says of this period: "Imagine the situation in which the Confederate soldier was placed. Almost destitute of hope that the cause for which he fought would triumph and fighting on from instinctive and obstinate pride, no longer receiving from the people the sympathy, hospitality and hearty encouragement once accorded to him; almost compelled for comfort, if not for existence, to practice oppression and wrong upon his own countrymen—is it surprising that he became wild and lawless; that he adopted a rude creed in which strict conformity to military regulations and a nice obedience to general orders held not very prominent places? This condition obtained in a far greater degree with the cavalry employed in the 'outpost' departments than with the infantry or the soldiery of the large armies. There is little temptation and no necessity or excuse for it among troops that are well fed, regularly paid in good money, and provided with comfortable blankets and shoes in the cold winter weather; but troops whose rations are few and scanty, who flutter with rags and wear ventilating shoes which suck in the cold air, who sleep at night under a blanket which kept the saddle from a sore-backed horse in the daytime, who are paid—if paid at all—with waste paper, who have become hardened to the licentious practices of a cruel warfare—such troops will be frequently tempted to violate the moral code. Many Confederate cavalrymen, so situated, left their commands altogether and became guerrillas, salving their consciences with the thought that the desertion was not to the enemy. These men, leading a comparatively luxurious life and receiving from some people a mistaken and foolish admiration, attracted to the same career young men who would never have quitted their colors and their duties."

This quotation from General Duke's writing is true as far as it goes, but it does not cover the entire field. He refers alone to Confederates. There were men of like character in the Federal army, who, oppressed by the

strictness of military control, cut loose from the army and conducted their semi-military movements at their own will. Prominent among these was a man known as Captain Terrell, whose career was filled with deeds that made life a burden, at that portion of Kentucky in which he operated. The present writer has no intent to excuse the alleged Confederate guerrillas—he knows some of them to have been deserters from his own command—but, for the truth of history, he wants it known that some of the men who masqueraded as friends of the Union were no less than robber bands who disgraced the uniforms they had no right to wear.

Gen. Stephen G. Burbridge had now come to the command of the district of Kentucky. Of him, it is enough to say that today no Kentuckian ever utters his name or hears it uttered, without heaping execrations upon him; yet Burbridge was a Kentuckian.

A Confederate soldier is probably not the proper person to pass upon the actions of Burbridge. He was so bitter in his treatment of Confederates; so forgetful of every principle of right and justice and decency, that those who felt the weight of his hand, may, perhaps, be pardoned, if they leave to others the delineation of his career.

Professor Nat T. Shaler, of Harvard University, who has more than once been referred to in this history as a Kentuckian who bravely wore the uniform of an officer in the Union army during the war, says of this period:

"The desperation to which the people were brought by the system of guerrilla raids can hardly be described. In the year 1864, there was not a county in the state that was exempt from their ravages. The condition of the commonwealth reminds the historical student of that which came with the Thirty Years war in Germany, and with the latter stages of the war between king and parliament in England. It is the normal condition when a country is harried by the discords of a civil war, and especially when there are no longer large armies in the field.

"On the 4th of January, 1864, Governor Bramlette, late a Federal officer, who at the outset of his political life was opposed to such summary and unwarranted action, took the singular responsibility of ordering the arrest of the Confederate sympathizers, to be held as hostages for the return of all persons captured and detained by guerrillas. Great as was the need of protection from these freebooters, this proclamation was a serious transgression of the laws which the governor was sworn to maintain and, as such, met the condemnation of a great part of the Union men. Afterward, the legislature endeavored to secure the suppression of this evil by providing more numerous and more effective troops to be used for state defense. This legislature voted the large sum of five million dollars for the purpose of paying for the adequate internal defense of the state.

"On July 16th General Burbridge, under order of General Sherman, commanding the department, issued a sanguinary order of reprisals, requiring that whenever a citizen was killed by guerrillas, four prisoners chosen from this class of marauders were to be taken to the place where the deed was done and in retaliation shot to death. The difficulty was that it was impossible to determine among a lot of prisoners, who belonged to a properly commissioned command and who were simply brigands. Under the order many executions took place, some of men who probably were to be classed as Confederate soldiers. The brutal violence of this plan made it extremely distasteful to all fair-minded people. It was carried out without even the semblance of law given by the proceedings of a court-martial. Nor had it the sorry merit of success. It merely gave an additional bitterness to a contest that was becoming a reproach to the name of the race."

The bloody record of the butcher Burbridge can never be given in full. When his spirit moved him to murder, he simply ordered out for execution any one of the unfortunates who happened to be within his control regardless of whether they were or were not Confederate soldiers.

Smith in his "History of Kentucky," has given the names of some of these victims of Burbridge's animosity. Mr. Smith is so gentle a man that he did not permit himself to properly characterize the murder of these unfortunate men. He says:

"Our space permits but a brief mention of a few of the bloody executions and incidents which followed the issuance of Gen. Burbridge's order.

"In July two Confederate prisoners were taken

from Louisville to Henderson and shot to death in retaliation for the wounding of a Mr. Rankin. Eighteen thousand dollars were collected from his southern neighbors for indemnity, not a dollar of which would Mr. Rankin receive.

"Two other prisoners were similarly sent to Russellville, to be shot on the spot where a Mr. Porter died from wounds received in defending himself from guerrillas on July 28th. (A third Confederate soldier, not a guerrilla, was sent from the prison at Louisville to also be shot on this occasion, but was saved from execution by the interposition of his brother Royal Arch Masons.)

"William Long, William Tythe, William Darbro and R. W. Yates, four prisoners, were brought from Lexington to Pleasureville in Henry County, and shot to death in retaliation for the alleged killing of colored men in another part of the county. The bodies of the prisoners shot were left unburied for a day, when they were taken by neighbors and interred in the cemetery at Eminence.

"On the 15th, George Wainscott and William and John Lingenfelter, were shot at Williamstown, on account of the killing of Joel Skirvin and Andrew Simpson by guerrillas.

"Richmond Berry and May Hamilton were similarly executed at Bloomfield, in retaliation for the killing of J. R. Jones.

"J. Bloom and W. B. McClassoan were taken from Louisville and shot at Franklin on the 20th, in retaliation for some killing done by guerrillas.

"In retaliation for the shooting by Capt. Sue Munday's guerrillas of a Federal soldier near Jeffersontown, Kentucky, W. Lilly, S. Hattey, M. Briscoe and Captain L. D. Buckner were ordered to be taken by Captain Hackett of the Twenty-sixth Kentucky and shot to death on the spot.

"Cheny and Jones were taken from the military prison at Louisville and shot to death at Munfordsville, Kentucky, in retaliation for the killing, by guerrillas, of J. M. Morry of the Thirtieth Kentucky Infantry.

"James Hopkins, J. W. Sipple and Samuel Stogdale were similarly shot to death near Bloomfield, for the killing of two negroes by Sue Munday's men, with which these victims had nothing whatever to do.

"McGee and Walter Ferguson were taken out of the military prison at Lexington and hung by order of Burbridge.

"W. C. Martin, W. B. Dunn, J. Edmondson, J. M. Jones, W. L. Robinson, J. Tomlinson, A. V. Tudor and S. Turley were taken from the military prison at Louisville and shot to death at Munfordsville.

"Six Confederates, names unknown, were shot to death, by order of Burbridge, at Osceola, Green county, in retaliation for the killing by others of two Union men.

"On the 4th of September, Frank M. Holmes and three other prisoners were shot to death at Brandenburgh for the killing of a Mr. Henry near that place, with which they had nothing whatever to do.

"Four prisoners were shot to death at Frankfort; four at Midway, and others elsewhere for similar reasons."

The above bloody category contains only a portion of the names of those who suffered death at the hands of Stephen G. Burbridge, the butcher, while he commanded in Kentucky. These men who were shot or hanged by his orders, were not guerrillas, but Confederate soldiers whom the fortunes of war had placed in his power. Safely ensconced in his headquarters in Louisville, far from the front where the gallant men, serving under the same flag as himself, were risking their lives in defense of that flag, he found congenial employment in sending to their death, men the latchets of whose shoes he was unworthy to loosen. He was a Kentuckian, and to this day every Kentuckian, no matter in which army he served, blushes at the thought that such a man should have had the honor of the state—the honor of its gallant soldiers—placed in his keeping. When the war was ended, the brave boys in blue and the equally brave boys in gray, came home and fraternized; they went hand to hand together in building up the waste places of war—but they had no welcome for Stephen G. Burbridge. To the eternal credit of the soldiers of both armies, let this history, impartial as it seeks to be, set forth the fact that while the Confederate and the Federal soldier came home unopposed when the war had ceased and took up the new burden of life, Stephen G. Burbridge never, after the war, dared to set his foot again upon the soil of the state which he had dishonored. He lived in exile and died in exile, a fate which he had won by the bitterness of his rule. It is gratifying to a loyal son of Kentucky to put on record here the fact that Bur-

bridge was the only Kentuckian who won and wore a badge of dishonor during the great war or at its close. Its other sons, Federal and Confederate, did their duty in field and forum and when the contest was ended, had nothing with which to reproach themselves.

It may be thought by some persons that because the author of this work was a Confederate soldier his statements of facts and conclusions drawn therefrom may be colored by his predelictions in favor of the south. He recognizes no such feeling himself, but to guard against misunderstanding he has quoted, as often as circumstances would permit, from the statements made by those Union men who have written of the period now under consideration. No higher authority than Professor Shaler has written of Kentucky during the war. His estimates are those of an impartial historian whose only desire is to write the truth. Quoting again from him the following statements are made:

"In the August election, the interference of the militia with the polling was even more serious than in the previous year. In the election period, an extensive series of military arrests were begun, designed to overawe those who were disposed to criticise the action of the military commanders. This system of provost-marshal government so disgusted the people that a majority of them, though retaining their loyalty, could no longer be trusted to vote for the candidates approved and almost nominated by the Federal commanders. Fortunately the election of the year was not of a general character, or the result would have given encouragement to the rebellion by showing that the Union men were now divided into two distinct divisions, the smaller made up of those who were willing to go to any extremity, in their toleration of the arbitrary acts of a provost-marshal system that gave effect to the oppressive and often brutal humor of the courts of war; and another larger party who, believing that the immediate danger from the armed enemy was over, were disposed to give their principal attention to the men who were undermining the foundations of civil government within the commonwealth.

"The only office of importance that was to be filled at the August election of 1864 was that of judge of the court of appeals for the Third district. Alvin Duval was a candidate for re-election. His course as a jurist was satisfactory to a large part of the people and he was recommended for the office. Although he had in no public way indicated any sympathy for the Rebellion, he was not regarded as a strong Union man. If the matter had been left to the people, it is likely that he would have been defeated at the polls. The military authorities resolved to have him arrested, just before the election, but he escaped from the state and went beyond their control. They then ordered that he should not be allowed to stand as a candidate, and put troops at the polls to enforce this order, their aim being to secure the election of M. M. Benton, whom the Federal officers had adopted as their candidate. To defeat this end, the conservative Union men nominated Judge Robertson, telegraphing his nomination on the morning of the election to the polling places. As the military guards had no orders to refuse the tender of votes for Judge Robertson, he was elected as a protest against the abritrary action of the military arm. A large number of citizens testified their disgust by remaining away from the polls.

"This iniquitous system of interference with the civil law had now pretty thoroughly separated the better class of the Union men from all sympathies with the Federal government. But worse was yet to come. In all the campaigns and battles in Kentucky, there had always been shown the utmost consideration for women and children. The soldiers of both armies, be it said to their great honor, were singularly considerate to them. Even when the battle raged through the towns, as they often did, the non-combatant class was tenderly cared for.

"But in 1864, the provost-marshals of the state, mostly men who were not soldiers in any proper sense, who had none of the better traditions of war, began to arrest and imprison on charges of sympathy with the Rebellion, correspondence with the enemy and the like. Women, with their children, were banished from the state to Canada under a guard of negro soldiers or sent to prison. Women, whose children, brothers and husbands were in the Confederate army, or dead on its battlefields, were naturally given to uttering much treason in their speech, but it was a pitiable sight to see the power of the Federal government turned against these helpless sufferers.

"While the treatment of non-combatants—old men, women and children—and the interference of the Federal troops with the elections, was the principal grievance of the conservative Union men, there was another source of trouble of a more truly political nature, which served to increase the disaffection

of the Kentuckians with the ways of the Federal authorities.

"The Federal government had engaged to leave slavery as it found it in Kentucky and elsewhere. Although there was a certain amount of disgust when the Emancipation Proclamation came out, it did not, in itself, make an enduring impression on the minds of the Union men; but when, in 1864, the government began to enlist negro troops in Kentucky, the people became greatly excited over the matter. Up to this date, the commonwealth had met the requisitions for troops to carry on the war with a promptness and loyalty unsurpassed by any other state. They naturally considered it as an insult that their slaves, even though such in name only, should be taken from them and put into the army with their own volunteer soldiers. Although this state of feeling will probably not commend itself as reasonable to those who were born in non-slave holding communities, it was very natural in these Kentuckians. To them, military service had always been an honorable occupation, open only to those of the masterful race. They had refused to take into their service any recruits from the free negroes of the state. This blow at their military was keenly felt.

"The action of the Federal government in this matter of enlisting slaves was singularly vacillating. Again and again, the process was begun and abandoned, on account of the remonstrances of the state authorities. It was an unprofitable experiment; the enlistment of white troops was made difficult; a few thousand blacks were secured, but they never proved of much service to the Union army.

"This bitterness between the conservative Union men and the Federal commanders grew to such height that in September, 1864, there was grave danger of an actual revolt of the Kentuckians against their oppressors. The state authorities were now fairly arrayed against the Federal provost-marshals and their following. General Hugh Ewing, commanding the district, had ordered the county courts to levy a tax sufficient to arm and pay fifty men in each county. His order was answered by Governor Bramlette, who, in a proclamation, forbade the county courts giving effect to the order. Although Governor Bramlette represented the ultra-Union men, there can be no doubt that he would have striven to maintain his position by the use of force. Governor Bramlette was reported, at this time, as on the point of issuing a proclamation recalling the Kentucky troops from the field. President Lincoln revoked General Ewing's order and so this critical point was passed. At the same time, an examination was ordered into the conduct of certain knaves who had for months ruled western Kentucky in a fashion that had not had its parallel since the tyrannies of the Austrian Haynau. A commission, composed of Gen. Speed, S. Fry, and Col. John Mason Brown, checked the iniquities and made such a showing that Gen. E. A. Paine, Col. H. W. Barry of the Eighth United States Negro Artillery, and Colonel McChesney of Illinois, and a number of subordinate officers, were removed. It was charged that they had been guilty of extreme cruelty and extortion.

"After a thorough investigation, Commissioners Fry and Brown, who were Union officers of the highest integrity, reported that Paine's violence and menaces had compelled many peaceful and orderly citizens to abandon their homes. His harsh and brutal language, with constant vulgarity and blasphemy towards ladies and gentlemen of refinement; his robbery and extortion of citizens; his summary arrest and imprisonment of citizens against whom not an earthly charge could be made, and his seizure and execution of prisoners and citizens without charges and trials, were among acts of notorious infamy which were fully proven. The number of persons who had suffered death at his hands from summary execution was stated by some to be as high as forty-three, and the graves were shown to prove it. The commission furnished sworn testimony that Paine and five or six high official associates, were guilty of bribery, corruption and malfeasance in office. To escape consequences, General Paine and his subordinates fled to Illinois whence they had originally come. A Colonel McChesney, at Mayfield, commanding the One Hundred and Thirty-fourth Illinois Regiment, was found to have also executed some men, four of whom were private citizens—Messrs. Kesterton, Taylor, Mathey and Hess—without a shadow of trial, and to have collected large sums of money from citizens by forcing them to do hard manual labor on useless entrenchments unless they purchased immunity by paying from five dollars to four hundred dollars each. General Meredith, who succeeded Paine, turned fifty-one prisoners loose at Mayfield and many more at Paducah.

"These blows at the system of inflictions were not to do more than subdue for the moment the worst forms of the evil. This was too deep-seated for easy remedy. General Burbridge had an over-bearing spirit. He gathered around him a set of advisers who, it was asserted, acting as a secret inquisition, sent many Union men into prison or banishment, simply because they protested against the Federal outrages. A sort of fury seemed to possess many men hitherto of good qualities as citizens or soldiers."

It must be understood that these statements above quoted are from the pen of a Kentuckian, an honorable gentleman and a gallant soldier in the Union army. No one can say that they are the prejudiced statements of a former Confederate soldier. The object of this work from its first page to its last, has been to set down naught in malice and to state the exact truth in all things. Some statements that have been written; some that remain to be written, will excite comment, friendly or otherwise, perhaps mostly of the latter character; but the author has now the sense of having written no other than the truth and the determination to write nothing hereafter that is not the truth as he sees it. This is not a plea for forbearance upon the part of his possible critics, as he has no desire to make such plea but is willing to stand, four-square to all the world, upon that which has been or may hereafter be written by him in this work.

That the iniquitous rule of General Burbridge may be fully and exactly known to all who honor this work with a reading, further quotations are made from Professor Shaler's admirable and entirely honest work. Pursuing the subject of Burbridge's bloody rule, he says:

"It is the painful duty of the historian to go yet further in the history of the pernicious system that was developed by General Burbridge's agents. All that he did in his efforts to suppress the guerrillas and to clear the state of treason, may be set down as grave blunders of a most misguided soldier. The next series of acts had, it was generally believed, the purpose of improperly taking money from the farmers of the state. The first step in this new class of inflictions was to order the farmers to sell their hogs to designated agents at a fair price; next, Burbridge commanded that no hogs should be sent out of the state without a special permit, and should be sold to the aforesaid specified agents. These agents offered a price considerably below that paid in the Cincinnati market. The ostensible reason of this action was that the Federal government had given a contract to certain persons in Louisville to furnish one hundred thousand head of swine and if the farmers were allowed to sell in their natural markets, the contractors would not be able to obtain a sufficient supply.

"General Burbridge's agents supported this demand by many threats of confiscation and other penalties. Naturally, the beginning of a system of confiscation of private property aroused an even more general and furious indignation than the mere political acts of oppression. Here again, the protests of the state government were heard by President Lincoln, and, after about a month of wrestling with the evil, Burbridge's famous 'hog order' was revoked by the Federal government. Notwithstanding the revocation of this order, General Burbridge was retained in command for some months afterward and the citizens were yet to suffer under this man, more exasperating inflictions than came to them from the honorable war of other years. There can be no doubt that the people of Kentucky endured far more outrage from the acts of the Federal provost-marshals than they did from all the acts of the legitimate war put together."

Burbridge, perhaps grown weary of making war upon the prisoners in his hands and the defenseless farmers of Kentucky, in October, 1864, at the head of four thousand troops, left Kentucky for the purpose of capturing and destroying the saltworks at Saltville, Virginia. The troops in his command were the Eleventh Kentucky cavalry, Colonel Graham; the Thirteenth Kentucky cavalry, Colonel Weatherford; and mounted infantry as follows: Twenty-sixth Kentucky, Colonel Maxwell; Thirtieth Kentucky, Colonel Alexander; Thirty-fifth Kentucky, Colonel Starling; Thirty-seventh Kentucky, Colonel Hanson; Thirty-ninth Kentucky, Colonel Mim; Fortieth Kentucky, Colonel True; Forty-fifth Kentucky, Colonel Clark, and Major Quiggin's Sandy Valley Guards. En route, they met a force of two thousand men commanded by Gen. John S. (Cerro Gordo) Williams. Included in this command were the First Kentucky Cavalry, the Ninth Kentucky Cavalry and some smaller Kentucky commands, under Col. W. C. P. Breckinridge. Burbridge's advance from Pound Gap was sturdily resisted by Col. Henry M. Giltner, of the Fourth Ken-

tucky Cavalry, who at Clinch Mountain and Laurel Gap put up a most stubborn defense.

When the attack on Saltville occurred, there was desperate fighting. Kentuckians were meeting Kentuckians and neither side cared to give way. "Cerro Gordo" Williams never knew what it was to be whipped and he hammered the attacking forces remorsely, rallying his men time and again, and finally he drove Burbridge from the field and saved the salt works so important to the Confederate army. General Burbridge retreated in some disorder into Kentucky, followed for some distance by the Confederates.

Kentucky, after this period, saw little of the war. Her brave soldiers of the Union and of the Confederacy, were in the main, far beyond her borders, doing their duty nobly and never stopping to inquire whether the war was nearing an end or not. They only knew that they had enlisted for the war, let its duration be for months or years. Sherman, with his Union legions, was marching to the sea, the hundred days of battle being apparently ended; Hood's disastrous campaign into Tennessee, with its frightful results at Franklin and Nashville, had begun and ended; Grant at Petersburg, was closing his legions about that splendid army of General Lee, the like of which has never been known, and the fate of the Confederacy seemed to be sealed. But the army never wavered; it stood resolute and ready, and gave not an inch until driven back by overwhelming force. Kentucky began to breathe freer. Burbridge was gone from command; a soldier had succeeded him and the fear that had oppressed the good people of the state was no more known. Let come what would, they were ready for it, for surely no more oppressive rule could be known. The prison cell was theirs no more; the proceeds of their farms they sold where markets offered and provost marshals no longer disturbed nor made them afraid. It seemed almost like those days when war had not been known and peace had ruled in all the land.

Then came the end. General Lee surrendered at Appomattox and presently Gen. Joe Johnston, in North Carolina, had made terms with Sherman. What mattered it that the government at Washington had refused to approve the terms of General Johnston's surrender? It meant only a few days more in which new terms could be arranged and signed. The end had come. There was to be no more war. The great questions which had so long vexed the minds of statesmen were now settled. There was to be no more slavery; there was to be no more secession, because the war had settled the question of expediency, not the question of right.

But there were some Kentuckians in the Confederate army who were yet in doubt as to whether or not they were whipped. The most difficult problem ever confronting a Kentuckian is as to the exact point when he is whipped. So far as his experience extends, he never reaches that point. The Kentuckians in the Confederacy knew that General Lee had surrendered; they knew that Gen. Joe Johnston had surrendered, but they also knew that they had not. The Kentucky cavalry knew that President Davis had not surrendered, and therefore they went along with him. There were the remnants of General Morgan's command—their gallant leader having been murdered at Greenville, Tennessee—and soldierly Duke rode at their head, not knowing the meaning of defeat; Col. Wm. C. P. Breckinridge, gallant to the last day of the Confederacy's life, led the shattered remnants of his own brave regiment, the Ninth Kentucky cavalry, and the few gallant boys of the First Kentucky cavalry who had survived the battles, skirmishes and scouts of four years of warfare; and on the ninth of May, 1865, one month after Appomattox, these men for the first time in their soldierly career, laid down their arms and ceased to be soldiers. Before they had surrendered Gen. John C. Breckinridge had come to them, counseling them to abandon the idea of going to Mexico,

there to join the forces of Maximillian. "Go to your Kentucky homes," said that splendid soldier and gentleman, "and there make such citizens as you have made soldiers, and your future is assured."

There was no further talk of Mexico; the Kentuckians surrendered, came home to Kentucky, and have endeavored to make as good citizens as they were soldiers.

CHAPTER LIII.

Lincoln's Emancipation Proclamation—Did Not Apply to Kentucky—How Kentucky Slaves Were Freed—Decline in Value of Slaves—Impressment of Slaves—Col. Wolford and His Speech—Enrollment of Colored Troops Continued—Credited to Northern States—Legislature Rejects Thirteenth Amendment—Slaves Freed Through Enlistment—Slave Enlistment Discontinued—Kentucky Accepts Thirteenth Amendment.

The war was now ended and with it, slavery, the curse of the land, ceased to exist. It had come first to blight the north and later the south, through the grasping of the earliest settlers of New England for unearned wealth; it had been transferred to the south from climatic reasons and had continued to exist there until the descendants of those responsible for its introduction had, in their madness, forced the country into the greatest civil war known to history. Say what one may, but for slavery, there would have been no war. No sane man of today makes a plea for its existence; no statesman who takes reason as his guide, excuses slavery or would ask for its reintroduction. It has gone and the Lord God of Hosts and of our reunited country, be thanked that it no longer exists to disturb our people, or put into armed opposition to each other the former opposing sections. But as Kentucky was one of the states where slavery in its mildest form existed—if there can be a mild form of human slavery—a review of the end of that institution in this State may be of interest. The author, at this point, renews a statement of his indebtedness to his kinsman, Mr. A. C. Quisenberry of the war department, and a native of Kentucky, for many of the details in this chapter, and who, in the *Lexington, (Ky.) Herald* has collated many facts, not only relating to the first negro slaves held in Kentucky, but as to the passing of slavery.

On September 22, 1862, President Lincoln issued a proclamation announcing that, unless the Confederate states should sooner return to their allegiance to the United States, he would, on the first day of the following January next, issue another proclamation freeing the slaves in those states. Of course, every one knows that the southern states composing the Confederacy, paid no attention to this proclamation. Accordingly, in January, 1863, Mr. Lincoln issued what has ever since been known as "The Emancipation Proclamation," in which, "as a fit and necessary measure for suppressing the rebellion," he declared, "that all persons held as slaves within the designated states (now in rebellion) are and henceforward shall be free."

Kentucky, which had been considered by the Federal authorities as having remained loyal to the United States government, notwithstanding that it had its due and proper representation in the congress of the Confederate states, was not one of the states designated in the Emancipation Proclamation; consequently that document did not, of itself set free any slaves in the state, though many of them took advantage of it in order to leave their former masters and, in most cases, no very strenuous

efforts were made to recover them and but few of them were actually recovered. Their owners read properly the signs of the times and knew not only that slavery was doomed, but that the Confederate cause was lost. Let it not be understood that the southern states were fighting for the preservation of slavery, for they were not. They demanded the right to regulate their own affairs, without interference from others, and were willing to fight and, if need be, die for that right. In a word, they fought for Home Rule.

Under the act of congress of March 3, 1865, when a slave enlisted in the army of the United States, the act of enlistment at once freed him and also his wife and children; and this was the means of emancipating many thousand slaves in Kentucky. But it was not until December 18, 1865 (about two years after "The Emancipation Proclamation"), when the thirteenth amendment to the constitution of the United States abolishing slavery was established as a fixed fact, that slavery actually became extinct in Kentucky. And not even then entirely, for there were hundreds of slaves remaining with their former owners, without claiming freedom, for many years after 1865 or until they died. The author of this work had an instance of this kind in his own family where a trusted and much loved servant refused to leave her home, and continued to live and finally died in the family she had so long and so faithfully served and was laid to rest in the presence of a large concourse of those white persons who had known her during her many years of faithful personal service. This instance, only one of many of like character, is referred to here as a proof of the status of the faithful colored servant in the Kentucky family. Another notable instance of this character was that of Aaron Dupee, the faithful personal servant of Henry Clay, who had accompanied Mr. Clay on all his travels in Europe and during his public life in Washington. Aaron Dupee remained with Mr. Clay's family after the death of that great statesman, and died at Ashland on February 6, 1866. Greater devotion to duty and to those who held superior



LINCOLN MEMORIAL BUILT OVER LINCOLN'S ORIGINAL CABIN AT HIS BIRTHPLACE IN LINCOLN NATIONAL PARK

stations in social life, was never shown than by these faithful servitors of the white families of the south, and especially was this so in Kentucky.

It may be interesting now to show something of the death of slavery in Kentucky. The assessed value of slave property in the State in 1860, and later, serves to show its gradual declination, as follows:

Year	Value of Slaves
1860	$107,494,527.00
1863	57,511,770.00
1864	34,179,246.00
1865	7,224,851.00

There was no appreciable depreciation in 1861 and 1862 from the valuation of 1860.

Going back now to the Emancipation Proclamation, the chronological incidents of the subsequent gradual decline of slavery in the state may be stated.

On the very day that the Emancipation Proclamation was promulgated—January 1, 1863—at Owensboro, Kentucky, negro farm hands were hired for $200 to $250 per annum, and negro cooks for $25 to $125, exclusive of their board, lodging, clothing and medical attendance. Prices for such service had never been higher.

On February 18th, the Kentucky senate refused to further consider a petition of John A. Bell of Georgetown, Kentucky, praying permission for certain free negroes of Brown county, Ohio, to return to slavery in Kentucky. How strange that petition seems, coming about seven weeks after the Emancipation Proclamation. But it proves what has herein been contended, that slavery in Kentucky was so mild that those who bore its burden were unaware that it was a burden, and, when they had escaped from it in some instances, desired most of all to come back to it. Even the most radical of those who opposed slavery, cannot explain why this condition should exist.

On March 2d, the legislature enacted that "negroes claiming freedom under or by virtue of the president's proclamation of January 1, 1863, are forbidden to migrate to or remain in this state." On March 21, 1863, the Federal military authorities under command of Col. Sanders D. Bruce, impressed slaves in Bourbon county and sent them to Lexington to work on entrenchments and for other labor. Any persons disobeying the order or obstructing its execution, were subject to arrest and imprisonment.

The war department having ordered the enrollment of the free negroes in Kentucky under the conscription act of congress, the state authorities on July 8, 1863, remonstrated against it, most explicitly and urgently and the order was practically suspended.

On August 10, 1863, Gen. Jere T. Boyle ordered the impressment of six thousand slaves in fourteen of the central counties of the state, to work as laborers in extending a military railroad from Lebanon to Danville; owners failing to deliver them, as ordered, were to have all their male slaves, between the ages of sixteen and forty-five taken away from them.

On the night of Sunday, December 13, 1863, when a large congregation of the Pleasant Green Colored Baptist Church in Lexington, was dismissed, a file of soldiers at the door arrested all the men, young and old, and marched them to the jail. Next day, they were sent to work on the military roads.

The last recorded sale of slaves at auction in Kentucky took place near Louisville on December 30; 1863, just a year after the Emancipation Proclamation. A man of twenty-eight years sold for $500; a boy of eleven brought $350, and two women, aged eighteen and nineteen, were sold for $450 and$380 respectively.

In 1864, the slave trouble began as early as January 12th, when Governor Bramlette wrote to Gen. Boyle, relative to the recent action of the Federal Government toward recruiting able-bodied negroes of Kentucky into the First Michigan Colored Regiment. Gov. Bramlette

wrote: "No such recruiting will be tolerated here. Summary justice will be inflicted upon any who attempt such unlawful purpose."

To Captain Cahill, a recruiting officer, he wrote: "Kentucky will furnish white men to fill the call upon her for troops; she will not enlist colored men nor permit any State, which is unwilling to meet the measure of duty by contributing its quota from its own population, to shelter itself behind the free negro population of this State."

But this pointed statement of Governor Bramlette, himself a former Union soldier, had no effect. The states of the north which had done so much to goad the south into a declaration of war, were not altogether willing to send their sons into that war and when the quota of these states fell below what it should be, its recruiting officers came into Kentucky and Tennessee and recruited regiments of negroes which were credited to those northern states in which there had been a falling off in enlistments. The writer, after the war, knew a man who had served as a major in a Tennessee regiment of colored infantry, which was credited to Connecticut. The people of the north were extremely willing to stir up strife and many of them were more than willing to have others fight it out. Some southern people, who never thought deeply on the slavery question, were used to saying: "The negro makes a mighty good shade." These northern people who came south to recruit negro regiments to be credited to their several states, evidently thought that "the negro makes a mighty good subsitute."

On February 17, 1864, the legislature passed an act prohibiting the importation of slaves into Kentucky for merchandise, and on the 22d of the same month, protested against the enlistment of Kentucky slaves in the United States army. On March 4th, Gen. Burbridge ordered all impressed slaves to be released from their work and sent home to their masters.

March 10, 1864, Colonel Frank Wolford, commanding the First Kentucky Cavalry, United States Volunteers, whose devotion and loyalty to the Union none who knew him ever doubted, upon being presented by the citizens of Fayette county with a splendid sword, sash, pistol and spurs, at Lexington, made one of his characteristic political speeches, in which he denounced the order for the enrollment of negroes in Kentucky as "unconstitutional, and unjust; another of a series of startling usurpations. It is the duty of the people of Kentucky to resist it as a violation of their guaranteed rights. * * * The people of Kentucky do not want to keep step to the music of the Union along side negro soldiers. It is an insult and a degredation for which their free and manly spirits are not prepared; while it is an infraction of the rights of the State which it is the duty of the Governor, under his oath, to support the Constitution and see it faithfully executed, to resist with all the constitutional power of the commonwealth. What, with Abraham Lincoln on the one side and Jefferson Davis on the other, the beloved Union of our fathers is now, like Christ crucified between two thieves." It will be observed that Colonel Wolford was a frank, outspoken man. This speech created much excitement and led to his arrest for speaking disrespectfully of the president. He was also deprived of his commission in the army, but President Lincoln, who did not insist very strongly upon prosecutions and punishments for what in these days would be termed "lese majeste" subsequently returned it to him, and "Old Frank," as his friends and foes alike called him, went on talking and fighting in a devil-may-care way until the war had ended, after which he rested comfortably in a seat in congress for several terms. There was no other Kentucky soldier in the Union army like Col. Frank Wolford.

On March 15th, Governor Bramlette, by proclamation, recommended the people to submit quietly to the enrollment of colored troops

and to "trust the American people to do us the justice which this congress may not do." On the 22d of March, he, together with Archibald Dixon and Albert G. Hodges, left Frankfort for Washington to consult with the president on the matter which was compromised, the governor consenting to the enrollment on the condition that no enlistments of colored troops were to be made unless Kentucky should fail to furnish her quota of white troops. But the eastern states continued to enlist Kentucky negroes and credit them to their own account.

At a public meeting in Danville on March 21, 1864, the Rev. Robert J. Breckinridge said in a speech that "he was an emancipationist, although a large slaveholder; he had two sons in the Union army and two in the Confederate army, and would not have these sons killed for all the value of all the slave property in the world; he had been called to Frankfort to consult with Governor Bramlette about the course to be pursued in reference to the enrollment of slaves here; the state officers were determined to obey, as they were bound to do, the laws passed and orders issued upon that subject; he had seen the proclamation issued which had done so much to quiet the public apprehension, and, that too, when the governor had already prepared a different one; he was bound, as a gentleman, to support that proclamation, although it did not suit him exactly; it answered, however, a good purpose—it foiled one part of the scheme to bloodily baptize Kentucky into the Southern Confederacy; this scheme, he understood to embrace an emente of the Kentucky troops in consequence of Wolford's arrest, and a general rising in the State, strengthened by a contemporaneous invasion by a rebel army; the conspiracy,—of the existence of which the proof was overwhelmingly strong—had failed, so far as the defection of the Kentucky troops and the uprising of the people were concerned."

On April 18, 1864, Gen. Burbridge issued General Order No. 34, for the enlistment of able-bodied negroes in Kentucky to be mustered in squads and forwarded immediately to camps of instruction outside of the State; owners of slaves that were accepted as recruits were to receive certificates that would enable them to receive compensation as authorized by law.

By June 6th, negro volunteering was brisk, especially in Lexington, where one hundred and ten were recruited in two days. On June 7th, Col. Cunningham, commanding colored troops in Paducah, made a raid into Union county, known during the war as "The Little Southern Confederacy," and impressed a steamboat load of slaves into the United States service. He was accompanied by two gunboats to assist in persuading the owners to consent to the impressment. By July 15th, more than 12,000 slaves had been taken out of Kentucky and enlisted elsewhere, being credited to northern states the quotas of which had not been filled by voluntary enlistments. Two regiments were enlisted and organized at Louisville, while six or seven others were in process of organization at Camp Nelson in Jessamine county, to be credited not to Kentucky but to northern states whose quotas were short.

On July 24th the secretary of war issued an order to the effect that if the owners of slaves who have left their service and taken refuge in the camps, or resorted to the towns, desire them to become soldiers in the United States service, they have only to indicate this desire to the provost marshals, who will arrest the negroes and put them in the service. All Kentucky negroes who had run off, or been persuaded to go to the adjoining states to be enlisted for the sake of the bounty (of which they got only a small part or none), were ordered to be seized and enlisted in the Kentucky regiments.

Camp Nelson, having been for several months a rendezvous for runaway slaves—the men being forced into the army and the women fed on government rations and generally idle—

Gen. Speed S. Fry, on August 23d, issued a general order expelling all the Kentucky negro women from the camp, but not those from Tennessee and other southern states. The order stated that "all officers having negro women in their employment will deliver them up to the patrol to be brought to these headquarters. Any one attempting to evade this order will be arrested and punished."

Gov. Bramlette, on November 23, 1864, issued a proclamation calling upon Kentuckians "whose slaves have been taken for army purposes, to devote whatever sum the government may pay for them to the noble purpose of relieving the wants and supplying the necessities of the wives and children and widows and orphans of Kentucky's Union Soldiers." He offered to contribute in this way whatever was received for his own two slaves and expressed the hope that "five hundred thousand dollars will be contributed to this noble charity." However, the charity did not materialize, as the government never paid a cent for the slaves and no reasonable person ever expected that it would do so. It never seemed to occur to anyone that anything should be paid to the slaves who had so long been deprived of their liberty.

The writer before named, from whom much of the data herein given is taken, says: "We have now come to January 1, 1865, two years after the date of the Emancipation Proclamation, and we find that slavery, while a very sickly affair, was still a recognized institution in Kentucky. Congress had, by joint resolution, proposed the thirteenth amendment to the constitution of the United States, to the effect that slavery should nowhere exist in the United States or in any place subject to their jurisdiction. Governor Bramlette, on February 7, 1865, submitted this amendment to the legislature of Kentucky for consideration." There was in that body some discussion as to ratifying the amendment with the proviso that congress appropriate the sum of $34,179,246, the assessed value of the slaves in the state in 1864, for payment to the owners of these slaves who were to be made free if the amendment were adopted by the necessary number of states, but this came to naught. On February 17th the amendment was rejected by a large vote, as all who had any wisdom or forethought knew it would be.

Though General Lee had surrendered his army, April 9, 1865, and everyone recognized that the war was over, recruiting for the army appears to have continued, so far as negroes were concerned, in Kentucky. On April 20-22, 1865, there was a correspondence between Gen. James S. Brisbin of the United States army, and Governor Bramlette. The former showed that emancipation was being brought about in Kentucky, regardless of the action of the legislature, through the enlistment of the slaves. General Brisbin, who appears to have had charge of these enlistments, informed the governor that he was engaged in recruiting seventeen regiments of slaves in Kentucky and that "negro enlistment had bankrupted slavery in Kentucky, over twenty-two thousand of the most valuable slaves having already gone into the service, while the few thousands left are being rapidly gathered up by the recruiting officers, and put into the service. Even old men and boys are found to be fit for duty in invalid regiments and are taken. From seventy to one hundred enlist daily, freeing, under the law of congress of March 3, 1865, an average of five women and children per man. Thus from three hundred to five hundred black people are daily made free through the instrumentality of the army."

The tax assessor of Boone county on May 6, 1865, reported 1,851 slaves in that county and enumerated upon his assessment lists, but he placed "no value" upon them and his assessment was approved. That these slaves still remained voluntarily with their owners in that county as late as May, 1865, two years and five months after the Emancipation Proclama-

tion, shows that slavery, unjust as all must now admit it to have been, could not have been a universally grievous and oppressive burden upon the slaves in Kentucky. Boone County abuts upon the Ohio river, just below Cincinnati, and escape thence from oppression into Ohio was always an easy matter even in the darkest days of slavery; and escape in 1863-5 was always easy even in Kentucky itself.

The assessment of property for the whole state made in May, 1865, showed slaves to the value of about seven and a quarter million dollars, still voluntarily remaining with their masters at that late date—one month after the surrender at Appomattox and, practically, the end of the war which forever destroyed slavery. Not one of these slaves so enumerated, but could have left their servitude—and they knew it—long before they were enumerated as remaining with those whom they claimed as their masters. It is a tribute to these faithful servitors and to those who maintained over them a patriarchal watchcare, that they delayed so long an acceptance of that freedom which came finding them so ill-adapted to its acceptance.

On May 6, 1865, the enlistment of slaves in Kentucky was discontinued by order of the war department. At that date, the war was practically over and the further enlistment of men was as ridiculous as had been many other of the efforts of the government to control the movements and actions of the people in the border states. Kentucky had done its full duty to the Union. It had, in one way and another, sent more men into the Union army than it had into that of the Confederacy, yet it had been notably represented in each army, and had the right to claim that its duty had been done. It will never be known how many Kentuckians served in the two armies, but it will be known, until time shall be no more, that those who did so serve performed every duty demanded of them and that when the great conflict was ended the Kentucky volunteers came home without a stain upon the banners under which they had fought whether of the Union or of the Confederacy. There was but one exception to this splendid record and that has been referred to in a preceding chapter in which was chronicled the performances of a man who dishonored the uniform he wore and the flag under which he served.

In the light of today, it seems very odd to record that on June 4, 1865, Judge George W. Johnston, of the city court of Louisville, committed a negro slave named Jacob Hardin to the workhouse, "until his master shall give bail that he will not be suffered to go at large and hire himself out as a free man." Gen. John M. Palmer, then commanding the Department of Kentucky, prohibited the enforcement of the law, and ordered the release of the slave "unless detained in custody for some other cause than the order of the city court of Louisville." On July 11, 1865, General Palmer ordered his quartermasters to pay all wages earned by negroes to them "and not to their pretended masters unless with the consent of the negroes." On September 11, 1865, General Palmer and General Brisbin were indicted by the grand jury of the Jefferson circuit court in Louisville, for abducting slaves and otherwise violating the slavery code of Kentucky. Of course, nothing ever came of these indictments and they are only referred to here to show how hard slavery died in Kentucky.

Joseph Wingate, mayor of Lexington, in view of the fact that great numbers of refugee slaves had assembled in Lexington and were a burden upon the town for their support, on Oct. 16, 1865, issued a proclamation notifying the owners of the slaves to remove them from that city to their homes and take care of them, or "legal proceedings will be instituted under the state laws to compel compliance." Whereupon General Palmer ordered General Brisbin, who was in command at Lexington, to inform said mayor that "you are instructed to protect the people of his city from the violence he

invites; that no portion of them can be seized and removed from that city at the mere will of persons who may call themselves 'owners and claimants'; that all the people of the state are presumed to be free and will be protected as free until orders are received to the contrary."

At that same period, the Kentucky Central Railroad Company directed its conductors to refuse to transport slaves unless they were provided with written orders from their masters. A number of slaves with military passes were refused transportation. The Louisville and Jeffersonville Ferry Company also refused military passes after the abrogation of martial law.

On October 21, 1865, General Brisbin notified Jason Williams and wife at Lexington that unless they paid their ten slaves, children of a colored soldier, reasonable wages for all their labor since March 3, 1865, when congress passed the act freeing the wives and children of negro soldiers, "suit would be entered before the Freedman's Bureau and steps taken to compel payment."

On November 3, 1865, Granville Pearl, Judge of the twelfth circuit court district, appeared in Lexington under arrest, by order of General Brisbin, whose command there was composed of a brigade of negro soldiers. Judge Pearl was arrested because in the discharge of his duties as a judge, he had ordered the sale in partition among some infant heirs, of a negro woman who, to avoid the sale, had married or pretended to marry, a negro soldier. A week later, General Brisbin notified Garrett Davis, Brutus J. Clay, and other prominent citizens of Bourbon and Fayette counties, that he would bring suit against them before the Freedman's Bureau, for wages alleged to be due to some of their own slaves, whose husbands were serving in the army.

On November 1, 1865, Gen. John M. Palmer was indicted by the grand jury of the Jefferson circuit court for enticing slaves to leave the state, and was held in $500 to answer. This indictment was, in the December following, dismissed by Judge Johnston on the ground that before it was returned, the requisite number of states had adopted the thirteenth amendment to the constitution abolishing slavery, and that, therefore, all criminal and penal laws of Kentucky relating to slavery were of no effect.

On December 18, 1865, William H. Seward, secretary of state of the United States, announced by proclamation that the legislatures of twenty-seven of the thirty-six states (three-fourths) had ratified the thirteenth amendment, "and it has become valid to all intents and purposes, as a part of the constitution of the United States." The ratifying states were Alabama, Arkansas, Connecticut, Georgia, Illinois, Indiana, Kansas, Louisiana, Maine, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin. The nine states which refused to ratify the amendment were California, Delaware, Florida, Iowa, Kentucky, Nebraska, New Jersey, Oregon and Texas. In both Ohio and West Virginia the amendment was voted on twice by two separate legislatures. In Ohio, the first legislature voted to reject the amendment; the next legislature reconsidered the matter and voted to ratify it; and, in the final count the vote of the second legislature was counted. In West Virginia, the first legislature voted to ratify the amendment; the next legislature reconsidered the matter voting to reject it and in the final count, the vote of the first legislature was counted.

It will be observed that among the states reported as ratifying the amendment abolishing slavery were Alabama, Arkansas, Georgia, Louisiana, North Carolina, South Carolina, Tennessee and Virginia, all of which had seceded and formed a part of the Confederate states and not one of which had representation in the congress of the United States at the

time when their legislatures made up of southern "scalawags," northern "carpetbaggers" and ignorant plantation negroes, are alleged to have solemnly voted to amend the organic law of the Union. It seems that they were back in the Union for the purpose of ratifying constitutional amendments, but in the matter of sending representatives to sit in congress, they were outside the Union. During the war it was claimed that no state could withdraw from the Union; when the war had ended, it was contended that the seceding states had forfeited the right to representation in congress because they had left the Union, and when it was desired to amend the constitution these same states were recognized as having never left the Union and as being competent to pass upon a proposed amendment to the organic system upon which the government rested. Those whose years do not permit their minds to go back to the period immediately following the war, may find difficulty in understanding this anomalous condition of political affairs, but those who are older will recall that, in those days, nothing was deemed impossible or improper which bore hard upon the prostrate south. No indignity conceived in the mind of the most wicked partisan; no reversal of the declarations made while the war was in progress, was permitted to stand in the way of a congress, most of the members of which had very carefully abstained from risking their lives along the battle line when that war was most dangerous. All this happened a long time ago. Whether the thirteenth amendment was legally or illegally ratified does not matter now. It killed slavery forever in our country and for that reason, all good people can overlook possible irregularities and give thanks that the curse which the north first put upon the south, has been removed from that section for all time and that it can return to us no more. Every southern man can and does give thanks to the Great Jehovah that he, at last, is set free, however much the northern people may claim that it was the black and not the white slaves whom they relieved from the bonds of slavery.

On January 25, 1866, the Kentucky legislature adopted the following joint resolution:

"Whereas, it is represented that Major General Clinton B. Fisk, head of the Freedman's Bureau of Kentucky, did, on the 18th instant deliver an address in Cincinnati, Ohio, in which he made, among others, these statements:

"'Only the day before yesterday in Lexington, Kentucky, thirteen discharged colored soldiers stood on the streets, in full sight of Henry Clay's monument, with their bodies lacerated; their backs bleeding from the cruel lash; their heads cut to the scalp, and one or two of them with their eyes put out. And what for, do you suppose? Simply for going to their former masters and asking for their wives and children. I appealed to the civil authorities in their behalf and was told that there was no law in Kentucky to help them. I heard there of a slave to be sold on a certain day and I made an arrangement with the master commissioner to buy him myself, as the last slave sold in Kentucky.'

"And whereas, it is believed that those statements have no foundation in fact and are calculated to place the people of Kentucky in a false light before the country:

"Therefore, be it resolved, that a committee be appointed of two from the house and one from the senate, to proceed immediately to Lexington, and ascertain the truth or falsity of the statements."

This joint resolution was adopted and Senator William A. Dudley and Representatives Benjamin F. Buckner and John M. Armstrong, all good Union men and as fine representatives of the best class of Kentuckians, as could be found in the state, were appointed as the proposed committee. After a thorough investigation, this committee reported to the general assembly on February 15th, "that the charges made by General Fisk are false and slanderous; they are but a continuation of the system of misrepresentation to which the people of this state have been exposed for several years," etc. The temptation to apply to Fisk and his kind a shorter and uglier word than that used by the committee must have been almost

irresistible to the gentlemen who composed it, as it is to this writer. Fisk was not manly enough to withdraw his false statement and was such a craven that the severe statement by which the committee characterized his utterance, had no effect upon him. He had accomplished his purpose and had put into circulation in the northern states, a baseless story to further enrage them against the southern people, then prostrate at the feet of those who had conquered them.

Any one who lived in Kentucky during the days when the Freedman's Bureau was in supreme control, will recall this man Fisk and his like creatures, who made life a hell for white men, Union and Southern men alike.

After the promulgation of the alleged adoption of the thirteenth amendment, the people of Kentucky promptly accepted it. February 14, 1866, the general assembly agreed to acts concerning the negro citizens of the state, conferring certain civil rights, relieving them from former disabilities as slaves, making them subject to the same punishment as the white people for crime; authorizing schools for their children, and appropriating for the education of colored children all taxes collected from the colored people.

On February 17, 1866, the legislature claiming to have "enacted laws for the colored race, characterized by justice and humanity, suited to their present condition and necessary for their welfare," by resolution requested the president of the United States to cause the removal of the Freedman's Bureau from the State and also to revoke his order suspending the writ of habeas corpus in Kentucky. The president did neither of these things, and the Freedman's Bureau long remained as a menace to the white people, and without advantage to the negroes.

While probably 25,000 colored troops were recruited in the state, not one of them was credited to Kentucky's quota, but every man of them went to the credit of some northern states, mostly in New England, in order to lighten the draft in those states. But all that happened a long time ago and no one need to be unhappy about it now. Perhaps those superlatively good people up in New England concluded that as they had brought the first negro slaves into the country, they had the right to make use of them afterwards.

In 1871, the Kentucky legislature made legal in all the courts of the State the testimony of the negroes, who had formerly not been permitted to testify in any court of justice.

The Ku-Klux, who had found a field for their operations in the southern states, never had a respectable representation in Kentucky where there was no need for them, if, indeed, there had ever been a need for them anywhere. Some outrages had been perpetrated against negroes in several districts of Kentucky, which, in every case, had been attributed to returned Confederate soldiers, though, in no instance, had this ever been proven to be true. In 1873, the legislature passed a bill providing severe penalties against those who confederated for the purpose of intimidating or inflicting injuries upon others. This statute still prevails. Though the former Confederates had been charged with the commission of outrages against the colored people, it is a historical fact that the first men indicted in the state under the act were neither Kentuckians nor former Confederates, but men who had come from east Tennessee into Todd County after the close of the war, in which at least one of them had served in the Union army. They were properly sentenced to the penitentiary on conviction, and from that day to this the colored man has been as safe in Kentucky as the white man. His children have as good schools as the white children; no discrimination is shown in the distribution of the school fund, and peace prevails everywhere between the two races. The man who should attempt to stir up discord between the white and black people in Kentucky, would find this state a good one to get out of, and that quickly.

CHAPTER LIV.

Kentucky Officers in the Wars—The Splendid Kentucky Private—Defects of Union Records—Sad and Terrible War Reckoning—Futile Attempt to Keep War Issues Alive—Kentucky Politics After the War—Military Interference—The Soldier's "Good Angel"—Gradual Departure of Military Authorities—Obnoxious War Acts Repealed—Kentucky's Quick Reconciliation—Kentucky Members of the Fortieth Congress — Helm-Stevenson Administration — Constitutional Amendments Made Operative—Stevenson Succeeds McCreery—Negro Testimony Legalized.

In the twenty-fifth anniversary number of the *Louisville Times*, issued December 31, 1909, appeared the following appreciation of those Kentuckians who have attained high ranks in the army: "In looking back through history's honor roll of valorous men who distinguished themselves in war are scores whose memory will always be kept green by Kentuckians because they were Kentuckians, and by bravery and loyalty did high honor to their native state. In all the annals of war there were none more courageous in trying times of sectional or international strife. Kentucky gave to the soldiery of both land and sea, men who stand out preeminent on the pages of history for their sturdiness, bravery and unswerving fealty to the cause they espoused. Kentuckians, in war as in peace, are esteemed for their high ideals of honor, and few of them have left records that may not be recounted to posterity as an honor to themselves and to Kentucky. In the great struggles of 1812, the war with Mexico, and the Civil conflict, Kentucky sent a full quota into the strife and all gained a full share of glory. A Kentuckian is a soldier in all that constitutes a soldier. He has the respect of his superior officer if in the ranks and the love and esteem of the ranks, if he is a superior. He is known as fearless in battle, loyal to the last drop of his blood, and enduring to conquer any hardship."

Kentucky Officers in the Wars.

Of Kentucky's soldiers of high rank in the earlier wars, the following are named:—

In the wars with the Indians and the War of 1812, the following high officers are entitled to the fullest honors:

Major General George Rogers Clark.
Major General George Croghan.
Major General Joseph Desha.
Major General Thomas Jessup.
Major General John Adair.

In the war with Mexico, Major General Zachary Taylor, Major General William O. Butler.

In the War between the States, on the Federal side were the following native Kentuckians, who attained the rank of Major General: Thomas L. Crittenden; Cassius M. Clay; John A. McClernand; Ormsby M. Mitchell; William Nelson; Thomas J. Wood; D. McReynolds; John M. Palmer; Frank P. Blair; Lovell H. Rousseau.

Brigadier Generals: Jere Boyle; Daniel W.

Lindsay; Robert Anderson; William M. Birney; James E. Blythe; S. G. Burbridge; Green Clay Smith; John T. Croxton; Speed Smith Fry; Theophilus T. Garrard; Edward H. Hobson; James S. Jackson; Richard W. Johnson; Benjamin F. Loan; Eli Long; Thomas Marshall; James M. Shackelford; William P. Sanders; William T. Ward; Lewis D. Watkins; Walter C. Whitaker.

In the Confederate army the following attained high rank:

General Albert Sidney Johnston.

Lieutenant Generals, Simon Bolivar Buckner; John B. Hood; Richard Taylor.

Major Generals: John C. Breckinridge; George B. Crittenden; Gustavus W. Smith, William Preston; John H. Morgan.

Brigadier Generals: Daniel Adams; Abram Buford; George B. Cosby; Basil W. Duke; Henry M. Giltner; Roger W. Hanson; James M. Hawes; Ben Hardin Helm; George B. Hodge; Claiborne F. Jackson; Joseph H. Lewis; Hylan B. Lyon; Thomas H. Taylor; Lloyd Tilghman; John S. Williams; Humphrey Marshall.

In the war with Spain, Col. John B. Castleman, commanding the First Kentucky Volunteer Infantry, was promoted to be a brigadier general in the volunteer service.

It is possible that some names have been omitted from the honor-roll of Kentucky's leading soldiers, as here given, a fact which gives the author much concern, but an effort has been made to include the name of each general officer of Kentucky birth who served in either the Federal or the Confederate army. Should any have been omitted, those of his kindred who come after him can console themselves that his good service had already inscribed his name upon a Roll of Honor whether his name be here written or not. It is a matter for pride upon the part of every Kentuckian that in the long list of soldiers of high rank here named in the two armies, but one ever brought reproach upon the great State of his birth.

And, leaving out of consideration the officers, it may also be said of the men in the ranks that they acquitted themselves with honor to themselves and the State of their nativity. It was frequently said by officers of high rank in the two armies during the war, that many of the men in the ranks were fitted to command, as indeed, in some emergencies, they did, and always creditably. The Kentuckian is a born soldier, as has been more than once intimated or directly stated in this work, and he has proven the statement on every field of battle where he has appeared—and he is rarely missing from the fields in which his country is interested.

Col. Stoddard Johnston's "Confederate Military History," says: "Whatever may be said of the character of the men whom Kentucky furnished to the Confederate army, the Federal statistics of the war show that, judged by all the known physical tests, the Federal troops from Kentucky excelled those of all other States." In the "History of Kentucky" by Professor N. S. Shaler, published in the Commonwealth series, is exhibited a table of measurements of American white men compiled from the reports of the Sanitary Commission, made from measurements of the United States volunteers during the war by C. A. Gould. In it is given the nativity of nearly one million men who served in the Federal army during the war; their height, weight, circumference of chest, and head and the proportion of tall men in each one thousand. An analysis of the table shows that Kentucky and Tennessee, which are grouped together, exceed, in each particular, those of every other state and foreign country, except that Scandinavia shows an excess of .05 of an inch in the circumference of the head. There was no such test made as to the physical proportions of the Kentuckians in the Confederate armies, but the testimony of Professor Shaler, a native Kentuckian, who was a gallant Federal soldier, and who, for more than a quarter of a century filled the chair of Agassiz at Harvard Univer-

sity, as to the other merits of the Confederates from Kentucky, is well worth noting in this connection. Professor Shaler has noted the fact that Kentucky was peopled more directly by people of pure English blood and had less proportion of foreign-born population than any other state in the Union, the statistics of the Eleventh Census showing less than sixty thousand out of a total of nearly two millions. He then says on the subject under consideration: "The exiles who braved all consequences and forced their way through the lines to form Morgan's cavalry, the First Kentucky brigade of infantry, the commands of Marshall and others, and the earliest volunteer Federal regiments, were probably the superior element of these Kentucky contributions to the war. They were the first runnings of the press, and naturally had the peculiar quantity of their vintage more clearly marked than the later product, when the mass became more turgid with conscripts, substitutes and bounty volunteers. Had the measurements and classified results applied only to the representative native element, the standard of average manhood would have been shown to be perceptibly higher. Though the ancestors of these soldiers had been fighting people, yet for forty years their children had known and followed only the peaceful pursuits of agriculture, and the industries of trade peculiar to the commonwealth with the limited exception of the Mexican war interlude, which made an inconsiderable draft of a few thousand volunteers during its brief existence. They may be said to have been wholly unused to the spirit and untutored in the arts of war. Yet their record of bold and daring skill, of heroic courage, and of indomitable endurance, was equal to that of the best troops on either side of the combatants in this great civil war, and certainly unsurpassed by the soldiers of Europe of the present or any past age. Take for illustration on one side the force of Morgan, and we find in this remarkable body of men great capacity at once, for dash and endurance. Its leader, suddenly improvised from the ranks of citizenship, not only organized, aligned and led this splendid squadron, but possessed the intuitive genius to develop a new feature in the art of war, in which was a rare combination of vigilance, daring, fertility of resource, and an impetuous power of hurling all the husbanded force of body and mind into a period of ceaseless activity. Theirs was the capacity to break through the lines of the enemy, to live for weeks in an atmosphere of battle, fighting and destroying by day, and marching by night, deploying in front of the enemy or attacking his lines and posts far in the rear; a life that only men of the toughest and finest fiber could endure; yet this force owed its peculiar excellence as much to the qualities of the men and the subordinate officers as to the distinguished leader. Such a list of superior subordinate commanders as Basil Duke, D. Howard Smith, Grigsby, Cluke, Breckinridge, Alston, Hines, Steele, Gano, Castleman, Chenault, Brent and others, was perhaps found in no other brigade of Kentucky Cavalry. Yet at the head of their brigades and regiments of Federal Cavalry, such leaders as Col. Frank Wolford, Col. Richard T. Jacob, Col. Hobson, Gen. Green Clay Smith, and others of the same fine fighting qualities, showed soldiership of a high order and their commands of Kentucky farmer boys showed qualities of a high order, and their commands proved to be the most effective Union cavalry of the war. The fighting of the Federal regiments of Kentucky infantry and cavalry throughout the great campaigns and battles of the war, showed the men to be possessed of the highest soldierly qualities; but so merged were they on the great Union armies, and so little of distinctive Kentucky history has been collated or published of these that we find it difficult to illustrate with the recount of their exceptional services."

The writer has experienced the difficulty above referred to by Professor Shaler, and if

the charge be made against him that undue prominence has been given to the movements of Kentucky Confederate commands, the explanation lies in the fact that in the Confederate service the Kentucky troops were, as a rule, brigaded together and the history of one regiment of infantry or of cavalry, was, in effect, the history of other Kentucky regiments belonging to the same arm of the service. In the Federal army, the Kentucky regiments were not placed in one or more brigades or divisions, as they should have been, and their individual history cannot, therefore, be arrived at. It is also true that the survivors of these gallant Federal regiments have not gathered the facts of their splendid service as they should have done, and their records of honorable endeavor cannot therefore be given with that fullness to which they are entitled. This fact has been elsewhere referred to in this work, and the hope is expressed that it is not too late for some competent authority to place upon record the story of the aid given to the Union cause by Kentucky's volunteer soldiers.

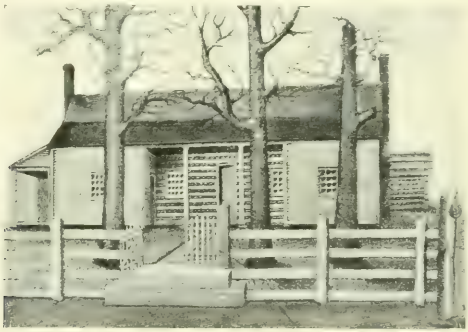
Recurring again to Professor Shaler's history, other quotations are made. Of the most distinguished Kentucky command in the Confederate service he says: "The most marked example of the character and success of the Kentucky troops in the Confederate infantry service, has been given us in the well-preserved history and statistics of the First Kentucky Infantry Brigade. We have already noted the daring and gallantry of these troops in the battles of Shiloh, Donelson, Baton Rouge and other conflicts, to Dalton, Georgia., in May, 1864. On the authority of Gen. Fayette Hewitt, this bridage marched out of Dalton eleven hundred and forty strong on the 7th of May, 1864. The hospital reports show that up to September 1st, not quite four months, eighteen hundred and sixty wounds were taken by this command. This includes the killed, but many were struck several times in one engagement, in which case, the wounds were counted as one. In two battles over fifty-one per cent of all were killed or wounded. During the time of this campaign there were no more than ten desertions. The campaign ended with two hundred and forty men able for duty; less than fifty were without wounds. It will be remembered that this campaign was at a time when the hopes of the Confederate armies were well-nigh gone and they were fighting amid the darkness of despair."

Professor Shaler adds, that excluding the loss in many smaller fights, between the home guards and other irregular troops and the raiding parties of the Confederates: "It is estimated that in the two regular armies, the state lost approximately thirty-five thousand men by wounds in battle and by disease in hospitals and elsewhere, contracted in battle. To these may be added several thousand whose lives were sacrificed in the state from irregular causes.

"There must be added to this sad reckoning of consequences the vast number of men who were shorn of their limbs, affiicted with internal disease bred of camp and march, or aged by the swift expenditure of force that such war demands. Omitting many small encounters and irregular engagements in which there was much loss of life, but which have no place in history, Capt. L. R. Hawthorne, in a manuscript summary of the history of the war, enumerates one hundred and thirty-eight combats within the borders of Kentucky."

And now, dismissing in large part the details of Kentucky's part in the greatest of civil wars, the writer, with no trace of bitterness in his heart or mind for any section of our great and re-united country and with a profound reverence for the flag under which his forefathers fought, closes this chapter with the concluding words of "The Rise and Fall of the Confederate States," written by a great Kentuckian, a most misunderstood and much

maligned man, Jefferson Davis, first and only president of the Confederate States: "The want of space has compelled me to omit a notice of many noble deeds both of heroic men and women. The roll of honor merely would fill more than the pages allotted to this work. To others I must leave the pleasant task of paying the tribute due to their associate patriots. In asserting the right of secession, it has not been my wish to incite to its exercise. I recognize that the war showed it to be impracticable, but this did not prove it to be wrong; and now, that it may not be again attempted and that the Union may promote the general welfare, it is needful that the truth may be known, so that crimination and recrimination may forever cease, and then, as the basis of fraternity and faithful regard for the rights of the states, there may be written on the arch of the Union 'Esta Perpetua.'"



Birthplace of Jefferson Davis, near Hopkinsville

Kentucky escaped the horrors and indignities that were heaped upon the extreme southern states under the name of Reconstruction. Comparative peace reigned when the war had ended; especially was this true of the contestants in that great struggle, who had enough of war and longed for peace. Among the politicians, there was discord of course. The struggle had been too serious to be quieted at once, and, to their shame be it said, there were a few political freebooters who were not ready for peace. In further turmoil they scented advantage to themselves; in peace, they knew their occupation was gone. To the great credit of the state, there were but few of these fomentors of discord and their influence, small at any time, was speedily reduced to a nullity. Legitimate political differences between good men there were, of course, as there are today, and these men frowned on the efforts of the small fry to keep alive the prejudices born of the war. These latter creatures pointed to the distressing death of Mr. Lincoln at the hands of a half-mad assassin, when the war practically was at an end, as a proof that no man who had espoused the cause of the south should be trusted. In their poor souls there was not sufficient enlightenment to teach them that the southern people knew that in the death of Mr. Lincoln their best friend in the Union had passed away, and that the strongest prop of their liberties had been removed when this great-hearted son of Kentucky went to his death. There is no man of

reason in the state today who does not believe, in his heart, that had Mr. Lincoln lived the southern states would never have been trodden under foot and robbed of their poor remaining substance, as they were under those who succeeded him. Mr. Lincoln, rough of exterior but kind of heart as any gentle woman, had one idea predominant above all others. He wanted to save the Union, as it was his duty to save it if he could; that done, his great desire was to have the stricken southern states come back into their father's house and feel at home there. A madman's bullet sent his great soul into eternity and the southern states into a hell, the horrors of which not Dante's "Inferno" can surpass.

There was another and far better class in Kentucky than the pinchback politicians referred to, and these were the sturdy, honest men who had steadfastly adhered to the Union cause throughout the war, whether that cause was in the sunshine or the shadow which sometimes almost obscured it. These men favored a full restoration of civil rights to the brave men who had fought and suffered for their convictions in the armies of the south; they favored a return of civil authority over the military power—in fact, they wanted an immediate return to the normal condition of a state, and there was no reason why their desires should not be gratified.

The men who had favored the south; the men who had believed and who still believed, that the states had rights which the Federal government was bound to respect, remained quiet, awaiting results. They may or may not have been in the majority. Who shall say now that they were not since while the war was progressing they had been prevented by bayonets, at the polls, from expressing their opinions. The Union men divided, for convenience sake, let them be referred to as Conservatives and Radicals.

An election was held on the first Monday in August, 1865, at which James H. Garrard, a Conservative, was elected state treasurer over William M. Neale, a Radical. In the senate there were twenty Conservatives and eighteen Radicals; in the house, there were sixty Conservatives and forty Radicals. Governor Bramlette was a Conservative, and this great good fortune was accentuated by the fact that the judicial department of the state government was in full accord with the executive and legislative departments. But governmental machinery did not move then as now, without let or hindrance. Over it always was cast the shadow of the man with the bayonet. The writ of habeas corpus, the honest man's shield, was suspended, and no man had the freeman's privilege of facing the world with the assurance that his liberty was secure.

In 1862 the legislature had passed an expatriation act, requiring the citizen who came to the polls to state under oath that "he has not entered into the service of the Confederate States, nor of the so-called provisional government of Kentucky, in either a civil or military capacity." This act, of course, disfranchised the Confederate soldiers who had returned from the war. Governor Bramlette, on July 22d, preceding the August election in 1865, issued his proclamation to the officers of the election instructing them to enforce its provisions. It was claimed that, by reason of this proclamation, the interference with the election by the military would be prevented. General Palmer, commanding the department of Kentucky, was moved to take part in the coming election, and issued orders from his headquarters forbidding any Confederate soldier from even visiting the places at which the polls were opened. The writer, now in the sunset period of life, has a lively remembrance of a then youthful Confederate soldier, who was too young to vote, had the right not been otherwise denied him, and who defied this order by going to the polls and observing proceedings. He explained his defiance of military orders by stating that "he wanted to see

what old man Palmer was going to do about it." Years afterwards, when this recalcitrant young man and General Palmer met in social converse and the incident was referred to, General Palmer insisted that he believed the former Confederate was still rebellious; whereupon the two settled their differences in the manner of Kentucky gentlemen, not once but several times. General Palmer, it will be understood, was himself a Kentuckian, and one who did honor to his state in military and in civil positions, being not only governor of Illinois but a senator in congress from that state, and in the evening of his life, the candidate of the "Sound Money" Democrats for president of the United States, his associate upon the ticket being that other distinguished Kentucky soldier and citizen, Gen. Simon Bolivar Buckner.

At the August election, Conservative representatives in congress were chosen as follows: First district, Lawrence S. Trimble; Second district, B. C. Ritter; Third district, Henry Grider; Fourth district, Aaron Harding. The Radical candidates chosen were as follows: Fifth district, Gen. Lovell H. Rousseau; Sixth district, Gen. Green Clay Smith; Eighth district, W. H. Randall, and in the Ninth district, Samuel McKee.

There was much interference by the military at the polls during this election, but one cannot say at this long distant period that the result would have been different had the election been "free and equal" as the law requires. Numerous indictments were returned by grand juries throughout the state against military officers for interference with the election; arrests were made, fines imposed and some of those fined, being unable to pay their fines, were placed in jail. Many indictments found were not prosecuted and those who were imprisoned were soon released.

On account of military interference in the election, the state senate in February, 1866, declared vacant the seats of Senators Sidney Allen, R. Tarvin Baker, M. M. Benton and L. B. Goggin, and Representatives Ballew, Barber, Degman, Hawthorne, Gregory, Wilson, Stroube and Murphy, ordering elections to be held in the regular manner for the choice of their successors.

It will be understood that this action was taken by a general assembly unanimously chosen as friendly to the Union cause. Smith's "History of Kentucky," noting this action, sententiously says: "These proceedings on the part of the Union civil authorities had a most salutary effect upon that characteristic class, who had discreetly and adroitly survived the perils and period of war, but who were, on the restoration of peace, most reluctant to permit the privileges of military license to slip from their fingers. Their day of abused power and factitious importance was evidently very nigh to its sunset, to their own discomfiture and to the joy of a grateful people."

These vermin had hoped to subject Kentucky to the humiliating experience of the extreme southern states that they might thereby reap the foul profits gathered by their kind in those prostrate commonwealths; but they reckoned without their host. The Union men of Kentucky, that is the great majority of them, were honorable, patriotic citizens who refused to brook any attempt to reduce Kentucky to a state of vassalage, and who had a feeling of the strongest contempt for the creatures who sought, for their own advantage, to keep alive the bitter feelings of the war and the division of the people, which was already fast being removed by the friendly and comrade-like sentiment felt towards each other by the men who had met on so many fields of conflict. To the Union men, who, forgetful of the bitterness of war, and who desired nothing so much now as peace, the people of Kentucky have been and will ever be grateful for their successful efforts to render useless the attempts of the irresponsible few to prolong dissension and sow the seeds of

discord among the good people whose strongest purpose was the rehabilitation of peace and the bringing together again of all the people under one flag and with one idea—the best thing for all the people of all the state.

Governor Bramlette was a just and conservative man who had done his duty as he saw it, to his country and his state during the perilous period of the war, and now that it was ended his mind turned to the gentle paths of peace for the people of Kentucky, than which he had no greater desire. During the war, there had been returned indictments against many men for real or alleged offenses, growing out of the disturbed condition of the country. The men against whom these indictments were returned were, in most instances, soldiers in one or the other of the two armies, the preponderance, perhaps, being against the Confederates, and especially against the cavalrymen of that service, who held peculiar views relative to horses, which views clashed with those held by hard-headed grand jurymen who had never been connected with the mounted service. When these men came home from the wars and found these indictments hanging over them, they were much exercised. The plea of "military necessity" which had served them in good stead during the war was found to have no standing whatever in a court of justice and visions of imprisonment haunted them. Accustomed as they had been for four years to the freedom of the open air, the specter of a prison cell depressed and distressed them more than had the privations and dangers of a soldier's life. But Governor Bramlette proved their good angel. As fast as these indictments growing out of the war were made known to him, he issued full pardons to those indicted before their cases had been called for trial. Of course, this refers to the minor offenses such as those committed by cavalrymen who had inadvertently borrowed a horse from some peaceful citizen without the latter's consent, or had wandered into that citizen's sheep-fold or pig-pen with no felonious intent, but, in a moment of absentmindedness, had wandered out again with a fat lamb or pig under his arm. Such minor offenses as these, the governor concluded, should not be permitted to remain upon the court dockets to the disturbance of the peace of mind of the indicted persons, who, in none of the instances referred to in the indictments, had acted with any felonious intent, but entirely in accord with the principle of self-preservation accorded to every man under our theory of government. It would transcend the limits of this chapter were the long list of names of those whom Governor Bramlette thus relieved from further solicitude, to be given here. A good many of the excellent gentlemen who thus received executive clemency are still living, and out of respect for their since-acquired families and for the peace and comfort of the writer, their names are retained in the back-ground.

It should be understood that when murder and other very serious offenses were charged in the indictments referred to, the governor's interference in the shape of a pardon did not follow as a matter of course, as it did in the matter of minor offenses. This action upon the part of the governor coupled with that of the general assembly and the friendly action of leading Union men, did much to bring about a condition far removed from that which had existed in the state during the most excited period of the war; for instance, when Burbridge ruled and Paine murdered peaceful citizens without let or hindrance.

It seems that the last people in Kentucky, and, for the matter of that, at Washington, to learn that the war was over, were the military authorities. Kentucky was an armed camp long after the last Confederate soldier had laid down his arms and gone to his home to find it in ruins or in ashes; long after the last Kentucky Federal volunteer had been mustered out and had come home to take up anew

the task he had quitted to serve his country.

Gen. John M. Palmer continued in command at Louisville and military posts were scattered over the entire state. Why this was deemed necessary, no one now knows and it is doubtful if any one knew a good and sufficient reason then. There was no election pending in which they might interfere, and the people were in the enjoyment of a state of profound peace. General Palmer in April, 1865, issued an order guaranteeing protection to all Confederate soldiers returning after the surrender and remaining peaceably at their homes. Notwithstanding this order, the writer has a rather vivid recollection of one such soldier who returned to his home in the last days of May, 1865, and who had behaved so peaceably as to disturb his digestion, who was the recipient of an order to report at General Palmer's headquarters. Up to this writing, that order has not been obeyed, and the soldier in question has never yet learned what General Palmer wanted to see him about. Another one of his orders forbade the arrest of any but real offenders. From the terms of this order, one gathers that it had been the custom to arrest people whenever a provost-marshal felt peevish, or the little officer in charge of a post had eaten something which disagreed with him. It must have been very distasteful to these gentlemen to be ordered not to arrest any but real offenders. What was the good of a little brief authority if a commanding officer could issue a mere order and take it away from him? How they must have sighed for the good old days of the war, when peaceful and harmless citizens who were arrested on trumped-up charges, were willing to pay handsome ransom for their freedom.

In May, General Palmer disbanded the Federal scouts, and in October four thousand negro troops in the state were mustered out, but there were six thousand such troops yet in the state. Recruiting of negroes had been kept up, as stated in another chapter, after the war was closed, and thousands of the white troops had been mustered out of the service. It is supposed that this enlistment of negroes was continued in order that the wives and children of the men thus enlisted might become free under the terms of the act of congress of March 3, 1865.

Under General Palmer's orders, many thousands of passes were issued to negroes over the ferry from Louisville to Jeffersonville, and over the Kentucky Central Railroad to Cincinnati, thus giving them an opportunity to leave their homes and escape from a slavery which was no longer other than imaginary. The act of congress above referred to, was declared unconstitutional by Judge L. Watson Andrews of the Fleming circuit court, and this decision was affirmed by the court of appeals, but this was mere "kicking against the pricks." Slavery was dead and not all the courts in Christendom could breathe again into its nostrils the breath of life. The negro was free, but the freer man of the two was that man who had claimed to own him. Generals Palmer and James S. Brisbin were indicted "for abducting slaves, and otherwise violating the slave code of Kentucky." The former was arrested and gave bond in $500 to answer the indictment, as has been before stated. There was never a trial, of course, and the matter was finally dropped from the court records.

General Palmer resigned his commission and retired from Kentucky. He was probably glad to go home and the people of the state were willing that he should go. They did not find a great deal of use for a military commander in a time of profound peace. After a time, the writ of habeas corpus, suspended during the war, was restored in Kentucky, long after similar action had been taken in Maryland, Delaware, West Virginia and Missouri. No one seemed to know why Kentucky had been so long excepted but since the writ was restored, no one cared to investigate the matter.

Quoting from Smith, again, it is found that "on its assembling in December, the legislature enacted a law of general pardon to all persons indicted by the courts of Kentucky for treason against the Federal government through acts done within the state. It repealed the act of October 1, 1861, declaring any citizen who invaded Kentucky as a Confederate soldier, guilty of felony, to be punished by confinement in the penitentiary from one to ten years; also the expatriation act of March 11, 1862, and the act requiring ministers and others to take the oath of loyalty before solemnizing marriage and another requiring a similar oath from jurors. Thus, one by one, every obstacle to restoration to civil rights and reconciliation which had grown out of war measures, was removed. The policy was one of manly magnanimity on the part of the Unionists in power towards their old neighbors, kindred and companions in citizenship. The confidence of intimacy assured those in authority that, though differing to opposite extremes as to choice between the Federal or Confederate side in the great war issue, their less fortunate brethren of the commonwealth were not less honest, sincere and brave than themselves; nor were they less to be trusted on their return from the surrenders of the war, in the good faith with which they grounded the arms of rebellious strife forever and resumed the functions and duties of loyal citizenship under the flag of the Union."

Many a former Kentucky Confederate soldier reading the above quotation, will learn for the first time, that when he invaded his native state as a soldier, he incurred the pains and penalties of a felon and faced the possibility of a penitentiary sentence of from one to ten years. Had this stringent statute been strictly enforced, a new and piquant interest would have been added to the oft-recurring visits of General Morgan's Kentuckians to their native state. So far as the records of the courts show, no one was ever indicted and punished under this ridiculous statute. "In the midst of war, the laws are silent," says the ancient adage. It had been well for Kentucky, in the midst of war, had there been more silence among those chosen to make the laws.

Again let free-speaking Shaler describe the political conditions in the state during the closing days of the war and immediately subsequent thereto. In his "Kentucky Commonwealth" he says: "The conduct of the Republicans in regard to the civic rights of the state, the disgust arising from the emancipation of slaves without compensation to loyal owners, the acts of the Freedman's Bureau, and other proceedings hostile to the governmental integrity of the state, arrayed an overwhelming majority of the people on the then conservative Democratic side. The result of the strenuous, though orderly struggle of the state authorities with the excess of the military spirit and the wild and malicious legislation of the Republican congress, was to drive the state into intense political antagonism to the party that had control of the government. This has unjustly been assumed to prove the essential sympathy of the Kentucky people with the southern cause. All conversant with the inner history of Kentucky will not fail to see the error of this idea. The truest soldiers to the Union cause were the leaders in antagonism to the militarism that was forced on them, such as Bramlette, Jacob, Wolford and a host like them, who were ready to battle with one hand against the rebellion and with the other to combat for the life of the civil law. While the Republican party in congress was led by men who knew nothing of war and who were rather enriched or benefited by its continuance, this people, with the battle about their firesides, had a double combat to wage. That they did not falter in either duty is much to their credit. When the war ended, therefore, the parties in Kentucky were reorganized on new lines.

"Perhaps the most satisfactory feature in

the close of the Civil war was the really quick restoration of civil order in the state and the perfect reunion of the divided people. In this course, the people of Kentucky set an excellent but unheeded example to the Federal government. By this action, they avoided having a large part of their citizens parted in spirit from the life and work of the commonwealth. The historian and true statesman will always admire this episode of reconciliation. The effect is since seen in the wiping-out of enmity that came to the whole country after the deplorable reconstruction troubles of the south. In Kentucky, it came at once, there was no torturing and persecuting period of doubt, no hesitation in the return of peace, no gendering of hatreds, as farther south."

At the first election for congressmen held after the close of the war, the following result was had: First district—Lawrence S. Trimble, Democrat, 9,787; G. G. Symmes, Union, 1,780; Second district—John Young Brown, Democrat, 8,922; B. C. Ritter, Union Democrat, 1,155; S. E. Smith, Union, 2,816; Third district—Elijah Hise, Democrat, 7,740; G. D. Blakey, Union, 1,201; Fourth district—J. Proctor Knott, Democrat, 8,199; William J. Heady, Union Democrat, 508; Marion C. Taylor, Union, 2,277; Fifth district—Asa P. Grover, Democrat, 7,118; Richard T. Jacob, Union Democrat, 2,417; W. A. Bullitt, Union, 742; Sixth district—Thomas L. Jones; Democrat, 9,488; W. S. Rankin, Union, 3,839; Seventh district—James B. Beck, Democrat, 9,716; Charles S. Hanson, Union Democrat, 1,388; William Brown, Union, 1,664; Eighth district—George M. Adams, Democrat, 7,690; M. J. Rice, Union, 7,175; Ninth district—John D. Young, Democrat, 9,042; Thomas M. Green, Union Democrat, 862; and Samuel McKee, Union, 7,563.

When the above named gentlemen appeared at the bar of the house to qualify as members of that body but one of them, Major Geo. M. Adams, of the Eighth district, was admitted to a seat. Samuel McKee objected to the seating of the remaining eight members-elect and the matter was referred to the committee on elections to investigate and report whether at the election at which they were chosen, loyal voters were not overawed by rebel sympathizers and also as to the loyalty of the said members claiming seats in the house. Major Adams, who was seated without objection, had served in the Union army with distinguished honor and, though a Democrat, it was impossible for Mr. McKee to find a flaw in his armor. He continued to serve in the house for several terms; was finally clerk of the house of representatives and later secretary of state for Kentucky, to which position he was appointed by Governor Buckner, who had been a Confederate soldier. During the second administration of President Cleveland, Major Adams was pension agent for Kentucky. At the expiration of his term as such agent, he retired to private life and the enjoyments denied to those who, as soldiers or public officers, serve their country.

Of these events the writer is happy to have the opportunity to quote from a signed statement by the venerable Major Adams, who writes of the assembling of the Fortieth congress and the fate of the Kentucky members-elect thereto: "I was the only one admitted without question, the others all being denied seats on the alleged grounds of disloyalty and inability to truthfully take the oath then prescribed by act of congress. The house then appointed a committee, with instructions to visit Kentucky, take proof as to the loyalty of the respective members-elect, and report to the session beginning the following December. The result was that during the session beginning December, 1867, all the Kentucky members thus denied their seats, were admitted, except John D. Young and John Young Brown. Sam McKee was given the seat of John D. Young, and my recollection is that the seat of John Young Brown remained vacant

during that entire congress, for the reason that the governor of Kentucky insisted that, in point of fact, there was no legal vacancy, and hence refused to issue a writ of election to fill a vacancy which did not exist."

John Young Brown had, in 1861 been elected to congress from a Kentucky district before he was eligible to a seat therein in point of age. Remaining quietly at home during the first session of the congress to which he had been chosen, he reached the constitutional age and took his seat during the second session. Denied a seat in the fortieth congress, he was subsequently returned several times to following congresses, where he made a reputation as an impassioned orator of the old-fashioned southern school, and, on one occasion, created a sensation by a bitter denunciation of Gen. Benjamin F. Butler, who was then serving in congress from Massachusetts, narrowly escaping expulsion for the extreme freedom of speech in which he indulged. Mr. Brown, after several terms in congress, retired to private life, engaging in the practice of law at his home in Henderson and re-entering the public service some years later as governor of Kentucky to which position he was elected by the Democratic party. Sometime after the expiration of his term as governor, he accepted the nomination of the "Sound Money" Democrats for the same position, but was unsuccessful at the election and did not long survive.

At the next state election in 1867, John L. Helm, the Democratic candidate for governor, received 90,225 votes; W. B. Kinkead, Union Democrat, 13,167; Sidney M. Barnes, Republican, 33,939. Helm's majority over Barnes was 56,286; over Kinkead, 77,058. The remainder of the Democratic ticket was elected by majorities approximately the same as those received by Governor Helm. Governor Helm, though taking the oath of office at his home September 3, owing to illness, never assumed the duties of the office he was so well qualified to fill. On September 8th this fine old gentleman, a splendid type of the statesman of the older days, passed to the Great Beyond, there to meet his gallant son, Ben Hardin Helm, who had preceded him from the field of honor and glory where he had laid down his life without a stain upon the honored name he bore.

Following the death of Governor Helm, John W. Stevenson, the lieutenant governor, succeeded him, and was duly inaugurated as governor September 13th. He thereupon appointed Colonel Frank Wolford, late of the Federal army, as adjutant general, and Major Fayette Hewitt, late of the Confederate army, as quartermaster general. Each of these veteran soldiers rendered the splendid service expected of them by those familiar with their efforts under the two flags which they had followed in the great civil war. General Hewitt, in his first official report, had the honor to state that he had collected from the United States government $399,224 on account of war claims, and that $1,468,937 was still owing on the same account, proper steps for the collection of which were being taken. This sum was subsequently collected in large part and, in proof of its collection, the people of Kentucky are pointed to their splendid new Capitol at Frankfort.

When the legislature assembled, there was a vacancy in the chair of the presiding officer in the senate, owing to the succession of Lieutenant Governor Stevenson to the governorship, and the Hon William Johnson, a senator from Nelson county, was chosen to preside over the senate as ex-officio lieutenant governor. In the January preceding the meeting of the general assembly, Garrett Davis had been elected a senator in congress from Kentucky, defeating Henry D. McHenry of Ohio county, by but two votes. In February, 1868, James Guthrie, who had been secretary of the treasury in the cabinet of President Pierce, resigned his seat in the senate from Kentucky and was succeeded by Thomas C.

McCreery. In August, 1868, Governor Stevenson, who had served since the demise of Governor Helm, as acting governor, was duly elected as governor, and B. J. Peters was elected to the bench of the court of appeals on which he was already serving.

The fourteenth and fifteenth amendments to the constitution of the United States—the first defining and conferring citizenship to the colored race and the latter conferring the right of suffrage upon the colored people—were respectively referred to the legislature and each was rejected, though shortly afterwards the announcement was made that each was operative by reason of having been ratified by the constitutional number of states. There were many reasons why these amendments should not meet the approval of the people of Kentucky, one of which was the kindly feeling toward the negro, and the fear that clothing him with the power to vote would array against him some of the white element which had not yet fully recognized that the negro was a free man. But there has been but little interference with the exercise of the ballot by those who opposed his having it granted to him. Men of both parties who have taken time to think seriously upon the sudden conferring of the ballot upon the negro, agree that it was a mistake. Taken from the hoe and plow, in a state of dense ignorance; taught by designing men that his former masters were his dire enemies, the poor, ignorant negro, became a tool in the hands of those who sought personal aggrandizement and cared not how they attained it. Today, the negro votes as he pleases in Kentucky and too often pleases to do so after the persuasive eloquence of a two dollar bill has been presented to his ever-listening ear. The ballot, ostensibly given him for his protection, has been made the cause of his debasement and, at the polls, he is as much the slave of the white man as in the days before the war. This indictment is against the men of both parties, as the negro voter has learned that his ballot has a market value and he awaits the highest bidder before exercising the freeman's highest privilege and duty.

When the legislature met in December, 1869, there being a vacancy in the position of president of the senate, Preston H. Leslie, a senator from Barren county, was elected to that position. The term of Hon. Thomas C. McCreery as United States senator occurring in the following March, it became incumbent upon the general assembly to choose his successor. This was done after a very spirited contest, Governor John W. Stevenson being finally chosen. He thereupon, on the 10th of February, sent in his resignation as governor to take effect three days later. Preston H. Leslie, by virtue of being president of the senate, succeeded as acting governor for the remainder of the term.

In May of the same year, Preston H. Leslie was nominated by a Democratic State Convention for governor and John G. Carlisle for lieutenant governor, for the term of four years. For the other state officers, there were nominated D. Howard Smith for auditor; James W. Tate for state treasurer; John Rodman for attorney general; H. A. M. Henderson for superintendent of public instruction; and J. Alex Grant for register of the law office.

The Republican party nominated, as opposed to these gentlemen—John M. Harlan for governor; George M. Thomas for lieutenant governor; William Krippenstapol for auditor; Speed S. Fry for treasurer; William Brown for attorney general; W. E. Moberly for superintendent of public instruction; and J. K. McClarty for register of the land office.

The Democratic ticket was elected, the majority being reduced to about thirty-eight thousand by reason of the enfranchisement of the negroes, those latter in the first days of their freedom and the first exercise of the franchise, very naturally casting their votes in favor of the Republican ticket, not having yet learned the market value of the franchise.

The bill legalizing the admission of the testimony of negroes in the courts was passed in January, 1872, and received the approval of the governor, but before this date several circuit judges had received such testimony in the courts over which they presided. Among these were Judges William S. Pryor, William M. Randall, Martin H. Cofer, J. Crepps Wickliffe and H. W. Bruce. There was no dissent from the action of these judges, or that of the legislature, and from that date to the present the testimony of negroes has been received in the courts as a matter of course.

Benjamin J. Peters was elected to a seat on the appellate bench, as was William Lindsay, each to serve for eight years. The venerable George Robertson, on account of ill health, having resigned from the appellate court in 1871, was succeeded by William S. Pryor, who long remained on the bench as one of the great lawyers who have adorned the tribunal and who left it, full of years and honors, with the affectionate regard of all who were cognizant of his able and upright course as a judge. In 1884 Martin H. Cofer was elected to a seat on the appellate bench, which he continued to occupy with distinction until his death. Judges Lindsay and Cofer had each served gallantly in the Confederate army, the first-named as a captain and the latter as colonel of Kentucky commands.

The passage by the legislature of the act legalizing negro testimony in the State courts removed a source of infinite annoyance to the people who had hitherto been required to appear before the federal court to answer the most trivial complaints made by negroes. In February, 1872, Judge Ballard of the United States District Court, took official cognizance of the passage of the act and its approval by the governor, and announced in open court that the jurisdiction of that court in all cases arising under the civil rights act, ceased January 3d previous, when negro testimony was authorized by the state.

Garrett Davis, a senator from Kentucky, having died in office, Governor Leslie appointed to succeed him Willis B. Machen of Lyon County, who had been a member of the Confederate congress. The general assembly, a few weeks before the appointment would have expired by law, elected Mr. Machen to that office. Thomas C. McCreery, who had previously served a fractional term in the senate, was chosen to succeed Mr. Machen for the full term of six years.

The representatives from Kentucky chosen at the election this year were George M. Adams, William E. Arthur, James B. Beck, John Young Brown, Edward Crossland, Milton J. Durham, Charles W. Millikin, William B. Read, Elisha D. Standiford and John D. Young, all of them being Democrats.

CHAPTER LV.

PRESIDENT PATTERSON AND THE STATE UNIVERSITY—THE NEW PRESIDENT, JUDGE BARKER—BLENDING OF CHURCH AND STATE CONTROL—EARLY SCHOOLS IN THE STATE—STATE AND LOCAL AIDS—HIGHER EDUCATION FIRST—"OLD FIELD" OR DISTRICT SCHOOLS—"YANKEE" SCHOOL TEACHERS—ELEMENTARY INSTRUCTION—DISCIPLINING THE TEACHER—EDUCATION OF FEMALES—CENTRE COLLEGE (CENTRAL UNIVERSITY OF KENTUCKY).

It is a pleasure to leave the field of battle and of politics, and to turn to that of education. Heretofore, this story has concerned itself in many respects, with the combats of mortal enemies. Now that the "birds have built their nests in the cannon's mouth, and stopped its horrible din," the mind of man may consider what is best for the youths who are to come after the men who fought the battles of the country and who, for four years, held the center of the stage.

It is well to consider here the State University, as it is called today, though it has known more than one name and has languished under more than one title, only to flourish under another. It is impossible to contemplate this great school of learning without, at the same time, recognizing that splendid Scottish gentleman and scholar, James Kennedy Patterson, who stands at the very head of those who have made their life-work the education of the youth of Kentucky. From sources so various, that it is here impossible to give, as original, the story of his early life, the present writer is forced to use many statements and to give at once credit to all these sources without enumerating one in particular. It has been the purpose of this present writer to state, in his own words, all facts relative to the history of Kentucky, but in this instance, he is forced to depend upon other writers so numerous as to forestall the giving of that credit due to each. He feels that this explanation is due since he wishes to be considered responsible for every word used in this volume.

The State University has had, to the period when this work was begun, but one president, and that was James Kennedy Patterson. The following biographical statements are reprinted from several sources and are believed to be correct. They supply not only a biography of President Patterson, but the life story of the State University:

"James Kennedy Patterson was born in Glasgow, Scotland, on the 26th day of March, 1833. With his parents he came to America when he was but nine years of age and settled in the southeastern part of Indiana, which was sparsely inhabited and where school facilities at that time were very meager. He had no educational opportunities until 1849, when for two years he attended a school in Madison, Indiana. During 1850-51 he taught school near this place, and in the latter year entered the preparatory department of Hanover College. The four years following he taught school and attended college alternately, and in 1856 graduated. For three years after his graduation from college he held the position of principal of the Greenville Presbyterian Academy at Greenville, Kentucky, but in 1859 accepted the chair of Latin and Greek in Stewart College, Clarksville, Tennessee. In 1861 he was called to Lexington to accept the prin-

cipalship of the Transylvania High School, which he held for four years. He was also professor of Latin in Morrison College, from 1866-69 and of history and metaphysics in the Agricultural College of Kentucky University from 1866-9. From 1869 until 1878 we find him president of the Agricultural College of Kentucky University, and in 1878 he became president of the State College of Kentucky, which position he has so ably filled to the present time.

"From the year 1878 dates the existence of Kentucky's university, and the history of its grand old president's life is the history of its evolution into the position it so justly occupies at the present time. Its ever eloquent supporter in time of peace and prosperity, its ever ready defender in times of attack from its enemies, President Patterson, by his interest in this his life's work, by his unlimited energy in making his school what he had so long dreamed it should be, has won a place in the heart of every student in the college, of every graduate who knows the history of his Alma Mater, and of every true citizen of the grand old commonwealth who can appreciate the effort and energy of a great man in attempting to attain his ideal.

"President Patterson received the degree of Doctor of Philosophy from Hanover College, Indiana, in 1875, and that of Doctor of Laws from Lafayette College, Pennsylvania, in 1896.

"Governor Leslie, in 1875, in canvassing the state to find the man who would best represent Kentucky at the International Congress of Geographical Sciences, held in Paris, France, naturally selected President Patterson, as did also Governor Buckner in 1890, when he must select a man to best voice the grand old commonwealth's representation at the British Association for the Advancement of Science. Other distinguished honors which have fallen to President Patterson are Fellow of Royal Historical Society of Great Britain, 1879; Fel-



State University, Lexington

low of Society of Antiquaries in Scotland, 1880; member and president of American Association of Land Grant Colleges and Universities, 1903.

"A few words here concerning the birth and perpetuation of the State College would not be out of place, for it was the success of President Patterson's efforts in this direction that stamped him as a man of ability, of undeviating tenacity and one whose conviction was not to be shaken by the many obstacles that beset his path. In 1880 he obtained appropriations from the city of Lexington and Fayette County for the erection of buildings upon the college grounds; was principally instrumental in retaining the Agricultural and Mechanical College, which has subsequently developed in the State College of Kentucky, at Lexington in 1880, and in obtaining from the legislature a perpetual appropriation for the proceedings of a half-cent tax on every hundred dollars of taxable property as additional income for the college. It was at this juncture that the greatest fight of his life came which bespoke the future of State College, and a fight for which he may justly feel proud. In 1882 the tax was assailed by the denominational colleges of the state and one could only conjecture as to the future of State College. However, President Patterson, by his characteristic vigilance for his purpose, discovered their aim too soon and succeeded, single-handed and alone, in defeating their combined efforts.

"This great legal battle was primarily composed of two parts. The first attack of the denominational colleges upon President Patterson was when he was trying to secure the passage of the bill in the legislature. His speech and lengthy argument before the legislative committee on that memorable night evoked the applause and admiration of almost all the senators and representatives and of men from the bench, all of whom listened with admiration to the eloquence of the speaker. The second and last part of the battle was in the state courts, where the constitutionality of the bill was tested. The denominational colleges had employed the best lawyers to be had, but again President Patterson represented State College, now State University, and won. In 1887 he took a prominent part in the passage of the Hatch act by congress, for the endowment of experiment stations, and in 1890 for an additional appropriation of $25,000 a year by congress for the further endowment of the State College. In 1904 he obtained from the state legislature an additional appropriation of $15,000.

"The most recent things accomplished by President Patterson was his securing about $30,000 from Mr. Carnegie for a library for Kentucky State College, and also the co-operation of senators and representatives from Kentucky for the support of the Knute Nelson bill for an additional endowment of State College.

"Thus we have some idea of what has been the work of President Patterson. He has kept steadily on his way, his strength proving equal to the beating heat of the noon-day's sun. This feat is the highest proof of his mind's elasticity and sanity. His career has attested the truth of the maxim, 'There is nothing so conservative as progress.'

"President Patterson is a brilliant converser and an eloquent speaker. In every discourse one feels the glow of his personality, rich in human interest, enkindling in enthusiasm and mellowed by intense spirituality. When his powers are excited in speech there appears upon his face a light which is not accounted for by mere intelligence, however superior; it is the radiance of something higher, genius we may call it, though it is without the wayward element too often due not alone to a passionate earnestness in the pursuit of truth, not alone to his happy sympathy with youthful minds striving to enter the mysteries of nature and life, but also to a certain poetic faculty which makes itself felt in the spirit and structure of his discourses.

"'In listening to President Patterson's conversation,' says one writer, 'I have always thought that here is a man whom purpose and circumstances must have led into the deepest experiences in human life, yet through it all, knowledge has only chastened his mind and intelligence has won for him admiration. He is gentle, because he is great, like Robert E. Lee. He has a wisdom that is born of application to duty and study. He has the faith of a seer because he knows the inherent potency of truth and has confidence in man's response to Divine Love. You cannot but feel that this man has the vision of God, because he is pure of heart.'

"In closing, may it be noted that the monument James K. Patterson has established at Kentucky State University is and will be more lasting than brass, more influential and wholesome than anything that the hand and head of genius has been able to achieve, a living character close to the realization of one's ideal of energy and love of purpose. He has shone as one of the brightest jewels to light the pathway of Kentucky youths striving for enlightenment and excellence. He has been a most real and true conception of ideal democracy and general knowledge."

The venerable President Patterson, on his own motion, resigned from the presidency of State University in 1910, to the regret of all who were cognizant of his fine service to the young men of the state. This writer is fortunate in being able to state that during the most trying days of President Patterson's work for the university, he was in a position to lend him assistance and is proud to know that the little which he did was received by that fine old Scottish gentleman with words of the warmest approval. The State University has a splendid history and a future that means much for Kentucky.

The retirement from the presidency of Professor Patterson was thought by the public to be a blow from which the institution would not soon recover, but by a happy inspiration the Board of Trustees chose as his successor, Judge Henry S. Barker, chief justice of the court of appeals. Judge Barker (a graduate of State University), as a lawyer at the bar and a judge on the bench, had made such a record as commended him alike to the trustees and to the people of Kentucky. He was recognized first as a Christian gentleman of the finest feelings, a lawyer who knew the law and its proper application, and a judge who knew no man in his decisions. It was the happiest of thoughts, this selection of Judge Barker for this high position, and the friends of education throughout the state were in suspense until he had declared his acceptance of the high honor which the position conferred upon him. President Barker, at the moment of this writing, has just taken his high position at the head of the University, but his every utterance since that momentous period has shown his appreciation of the high station he has been called to fill, and convinced the people of the state that no mistake was made by those who called him to this new duty. President Patterson remains with the university as president emeritus, and his days in the future, as they have been in the past forty years, will be filled with the search for that which is best for the institution, to which he has so freely given all that was best of his life. Those who were nearest and dearest to him have passed to the Great Beyond, and he has publicly announced that what he may leave behind, when he has gone to join them, shall be the property of the great institution which his efforts have founded.

Perhaps it may be considered that this chapter on the educational movements in Kentucky has begun at the top and proceeded toward the bottom, but that is not true. Every movement for education belongs at the top. To the chronicler of those movements, the arrangement of their appearance belongs, and he, who is wise, does not demand that any one of these movements shall have precedence over another.

The well-taught school in the log school-

house, holds the germ of a university education, and none may say that the poor boy who, in the country school, first has his mind opened to the light of a complete education, is not the equal of that other boy who comes with him to the university from the advanced city school. And, now and again, there may be a country-bred boy, denied, it may be, by the necessities of those around him, an elemental education, who fights his way to the front through the textbooks, and refuses to be denied when he demands to learn and know what his more fortunate brothers know. There may be, too, that boy who, when he heard sound the tocsin of war, threw aside his books and responded to its insidious demands, and came back, when that persuasive sound no longer was heard, and demanded that the state for which he had fought—the state for which he has offered his life—the state for which he had been wounded and torn upon the field of battle, should give him in return the opportunity to be educated. How this demand was arranged for in advance; how it was responded to by the state will now be stated in a detail that must be shortened as the limits of this volume draw near to completion.

Referring now to the system of education in Kentucky in its earliest days, the writer acknowledges his indebtedness to the "History of Higher Education in Kentucky," by Professor Alvin Fayette Lewis, professor of history in the University of Arkansas, who wrote the monograph embodied in "Contributions to American Educational History," edited by Herbert D. Adams, and published by the United States Bureau of Education. In the introductory pages of his monograph, Lewis says: "The first thing that strikes our attention in the educational history of Kentucky is the early establishment of schools at its various stations or settlements, notwithstanding the extremely unsettled condition of its affairs and the great difficulties and dangers, especially from the Indians, which constantly beset its early inhabitants. The pioneers in the settlement of the state were largely from the valley of Virginia, having entered Kentucky through Cumberland Gap, and were chiefly of Scotch-Irish descent. The leaders among them especially were men of more than the average intelligence and culture and they are seen taking early steps to promote the diffusion of useful knowledge among themselves and their descendants. So, the beginnings of education in the state are almost coincident with its foundation. Within about a year after the first permanent settlement at Harrodsburg, in 1774, when it was yet uncertain to whom the territory now composing Kentucky belonged (as is shown by the organization of the Transylvania Company, by the ambitious and far-seeing Colonel Henderson) a school was being taught at Harrodsburg, probably in the spring of 1776, by Mrs. Coomes, the wife of one of the settlers, and that, too, when Indians were skulking around the station, ready at any time, to fall upon the unwary settlers. Some of Daniel Boone's companions had just been killed by them, and their outrages had driven many prospective settlers back to Virginia. These are rather unusual circumstances under which to teach a school, especially by a woman, but such were the surroundings of the first school taught in Kentucky.

"Other similar schools were soon established, as that of John May, at McAfee's station in 1777; of Joseph Doniphan at Boonesboro in 1779, and of John McKinney at Lexington in 1780, within one year after the establishment of the town. The perils faced by these and other brave pioneers of education in Kentucky are illustrated by the fact that several of them were killed by the Indians or suffered bodily harm from wild animals.

"It is not known who attended these early schools or what was taught in them, but they were probably mainly intended for the younger children of the stations where they were located and were of quite an elementary charac-

ter. They were the first types of the early private and neighborhood schools, commonly called 'Old Field,' or 'Hedge Row' schools, though the latter designation never secured any recognition then or afterward in Kentucky.

"Schools of a higher grade, however, soon appeared. John Filson, surveyor, adventurer, and first historian of Kentucky, for whom the most important historical club in Kentucky was named, established a seminary in Lexington in or before 1784. The pioneer Baptist preacher, Rev. Elijah Craig, established a like school at Georgetown in 1788, and during the same year, the celebrated James Priestly took charge of Salem Academy at Bardstown, which had been preceded there as early as 1786, by a school taught by a Mr. Shackelford. This school, under Dr. Priestly's management, was for some time, one of the most noted in the State, and in it, many of the great public men of the early history of Kentucky received the principal part of their education. The founding of private high schools continued steadily in conjunction with another movement to be presently noted, until Winterbotham, in 1795, could truthfully say, in writing of Kentucky's educational facilities: 'Schools are established in the several towns and, in general, regularly and handsomely supported,' and Marshall states, referring in general, to this period: 'There are many educated and more means to be applied in that way than most other countries could afford, while a general propensity for giving and receiving literary instruction was obviously a prevailing sentiment throughout the country.'

"The other movement above referred to, is the most striking feature of the state's early history, and is so interesting as to demand a more extended treatment. It consisted in the inauguration of a system of local and state patronage of secondary and higher education. Lexington, soon after its establishment, reserved land for Latin and English schools, and by this inducement, as early as 1787, caused Isaac Wilson, late of Philadelphia College, as he described himself in an advertisement in the *Kentucky Gazette*, to open the Lexington Grammar School; but state patronage of higher education came even earlier, as Transylvania Seminary, one of the first public schools or seminaries of learning in the Mississippi Valley, was endowed by an act of the Virginia legislature, in 1780, and further endowed and chartered in 1783, and other foundations and endowments by the mother state and by Kentucky soon followed, until a state educational system was developed quite unusual in its circumstances and quite in advance of the ideas of the day elsewhere in this country.

"The main thing of interest in Kentucky's educational history, up to about 1820, is the development of this splendid system of higher education, composed, as projected, of a State University and at least one subsidiary academy in each county, and probably intended to be supplemented later by a system of more elementary schools. The subsidiary academies were quite fully developed and reached their culmination during this period, while Transylvania University was fairly inaugurated and foundations laid for the career upon which it was about to enter. The more elementary schools were, however, never connected with this system and have only been established in any perfection, in quite recent years, and then on an independent basis.

"The main current of education in Kentucky began at the top and extended downward. First there was the university, or college, and then the common school. This was not to be wondered at as it was, as a rule, true in all the older states. A number of the prominent men among the early settlers in Kentucky were themselves college men, and of or among the college founders in Virginia and naturally, their first attempt to promote education in the new state, according to the prevailing ideas of the time, especially in Virginia, from which most of them came, took shape in the form of

an institution of higher learning. It was remarkable, however, that in their hands, this institution should have been planned to become the head of a great state system of public education embracing even elementary schools—a conception in advance of public opinion at that time, in this country at least.

"The period from 1820 to 1830 was marked by the downfall of the magnificently conceived university system. Even before 1820, the system of correlated academies had reached its culmination and had, for various reasons, been acknowledged as a failure by discerning men. Soon after that date the plan was abandoned as a state enterprise. The academies did not disappear at once, but many of them continued as high schools, and some of them even developed into colleges. Augusta, Georgetown, and many of the earlier colleges of the state were built upon the foundations of older academies whose funds they inherited."

Public patronage between 1820 and 1830 was confined almost exclusively to Transylvania University. Dr. Halley, an accomplished Unitarian minister and educator, had been brought from the east to be the head of this institution, and for a time a brilliant and successful era seemed to have dawned upon the institution. But oil and water never successfully join with each other without the aid of another element. Dr. Halley's religious views were not in accord with those who controlled the university. It is doubted if they believed that Dr. Halley, a Unitarian, had any religion whatever. The country will not have forgotten that in a late Presidential contest, some ill-informed persons insisted that one of the leading candidates should not be chosen, since being a member of the Unitarian church, he was necessarily an infidel. One scarcely knows whether to ascribe such a charge as this to the stupidity of the ill-informed or to the detestable bitterness of partisan politics. However that may be, the candidate in question was successful at the polls, while the university, into which religious partisanship had crept, was for years forced to languish and almost to die.

The upbuilding of educational institutions in Kentucky was retarded by a blending of control by church and state. The State College, now the State University, suffered for years from the fact that a church control was mingled with the nominal control by the state. The members of the church in question were wont to speak of it as "our college," thus driving away the patronage and support of the people of other denominations. It was to the detriment of this college that it was left by the legislature to a denominational body to accept and utilize the government grant of 1862. Subsequently, the connection between state and church was relinquished and today Transylvania, and the State University, with many memories of the older days clustering about them, hold high stations in Kentucky, most deservedly, and their students and graduates enjoy with pleasure, a retrospect to the earlier history of each. Each is a credit to its founders and to its subsequent history.

"It must not be understood that there were none other in the days referred to than the higher schools. There were then, as there are now, schools of a minor character, known then as 'Old Field' schools. Today, they are known as district schools by legal designation; country schools by common usage. In the early history of Kentucky it is found that as soon as a settlement was established, a school was organized however few might be the children to receive its benefits. This was a natural step, since the men who came to settle Kentucky from Virginia and North Carolina, were, in the main, men of education, who recognized the necessity for school facilities for their children. Why these should have been termed 'Old Field' schools is not known. One writer has suggested that 'the name probably arose from the fact that the schoolhouses were usually built in some old clearing, often a spot formerly occupied by Indians for agricultural pur-

poses.' This is scarcely a correct solution since the Indians never occupied Kentucky for agricultural, but only for hunting purposes, with the exception of a time at what is now known as 'Indian Old Fields' in Clark County. The same writer adds, that the term 'Hedge Row' is applied to them by Professor Shaler; but the writer has never seen the term used elsewhere in reference to them, nor has he ever heard it used in western Kentucky, where the term 'Old Field' is frequently used by elderly people."

It is not a matter of moment what these old log schoolhouses were called; it is enough to know that from them emerged many youths who were later to write their names large upon the history of their State and country. The men who taught the rising generation of young Kentuckians were, in many instances, graduates of universities and colleges of high degree; men who, with splendid educations, yet lacked that some one faculty which would have made them leaders in the world's great strife. With this lacking, they turned to the school-room and at the most inadequate salaries, sought to lead the youth of the land to those heights themselves had missed. Some were competent; many were incompetent. Yet in the absence of native-born teachers of the youth of Kentucky, these eastern-born men, and sometimes women, "Yankee teachers" they were called, filled the schoolhouses of the state and taught the young girls and boys their first steps toward an education. There are yet among the elder women and men of the state those who cherish with grateful memory, those strange people who came out of the north to lead what they deemed the young barbarians of the south out of darkness into light. Writing of them, Professor Alvin Fayette Lewis of the University of Arkansas has said: "These men could not have made teaching their profession, as their wages were very low. When teaching, however, they were required to take up early and turn out late, giving short recesses and noon intermissions, the idea being that they must earn their money. They were otherwise practically under no supervision, except such as the pupils chose to put upon them, and taught according to their own peculiar theories, temperaments and habits. They were often as rough and passionate as they could well be, and liberal in their use of the rod, even knocking down impertinent pupils, while, on the other hand, some of them allowed the pupils to do as they pleased. All, as a general thing, had written rules which were frequently read and usually vigorously enforced, the pupils often dreading the frown and the birch of the master more than the screams of the wild animals they sometimes heard on their way to and from the schoolhouse."

This description of the earlier schoolmaster applied long after the period when "the screams of wild animals" were heard by the school children. Up to the period of the War between the States there were few Kentuckians who were teachers in the schools and the northern man, with his portentous frown and Draconian rules, was almost without exception, the school teacher. One of these the writer has in mind, the mildest-mannered, gentlest man whom he ever knew, who claimed New York as his native state. When the war came, he was teaching a girls' school and to the surprise of everyone, he left his school and, at the head of a company of young Kentuckians, entered the Confederate service as a captain. So pronounced was his spirit of politeness that it was told of him that he would say to his company: "Gentlemen, please right dress," which was probably an exaggeration. However this may have been, it is true that on the battle's perilous edge, he was among the bravest of the brave, and this gentle Yankee gentleman came out of the war as a Confederate major with the affectionate regard of every man who had observed his military career.

Recurring to the earlier country schools, after this brief incursion into sterner fields, it

may be stated that the instruction offered in them was of an elementary character, consisting only of "reading, writing and ciphering to the rule of three." In the earlier days the teacher must needs be an expert maker of quill pens, the steel pen being then unknown. "Geography and arithmetic were taught orally, and in studying, the pupils who were not reciting, added to the monotonous uproar of the class by studying aloud, as they were usually allowed to do. The text-books used at first were Delworth's Speller, and the Bible; later Webster's old blue-back Spelling Book and Murray's English Reader and Grammar were introduced. Afterwards, more mathematics and some classical instruction were added to the course in many schools, thus materially enlarging the education offered. After Lindley Murray's Grammar, came at a later date, Kirkham's Grammar, more incomprehensible to the young student, if possible, than the former. In the library of the writer today is the Kirkham's Grammar which cost him many a weary hour of study and the loss of countless "recesses" during which he was "kept in" by a teacher incompetent to lead him through the intricacies of the English language therein presented. And that teacher was not a "Yankee," but a Kentuckian born.

Professor Lewis, pursuing the course of common school education in the earlier Kentucky days, says: "Practically the only supervision to which the teacher was subjected was by the pupils. This was regulated by custom with which the patrons of the schools never in any way interfered as long as it was at all within reason. It only concerned such things as 'treats' upon certain recognized occasions, the granting of holidays and similar matters and was enforced by the larger boys of the school who rode the teacher upon a rail, ducked him in some convenient spring or pond, or otherwise made things so unpleasant for him that he was forced to yield to their demands. A very common practice was to 'turn him out,' until he granted the desired concession. This is well illustrated by the following characteristic incident taken from an article by Col. R. T. Durrett in the *Louisville Courier-Journal*, of April 2, 1881:

" 'On the 28th of April, 1809, the first show, as the boys called it, occurred in Louisville. It was the exhibition of an elephant and there was a general uprising in all the schools for a holiday. The Jefferson Seminary, and the schools at the head of which were teachers conversant with the habits of the place, gave the boys a holiday without trouble, but there was a New England teacher, recently come to the charge of one of the log schoolhouses, who could not understand why the boys were to be permitted to lay aside their books a whole day to see an elephant. He would not grant the holiday asked and the boys went to work in the usual way to make him yield. On the morning of the 28th, the "Yankee" teacher, as they called him, came to his schoolhouse and found the door barred with benches, fence-rails and logs of wood, and the boys all inside laughing at his futile efforts to get in. They promptly told him the terms upon which the fort would be surrendered, which were simply to give them the day as a holiday, so that they could go and see the elephant. The teacher was indignant and not being able to get through the door, climbed upon the roof and attempted to descend the chimney. For this contingency, the boys had prepared a pile of dry leaves and when the teacher appeared at the top of the chimney, the leaves were lighted in the fireplace. Down came the teacher, for, having once started, he could not go back, and the flames scorched him and the smoke smothered him so that he was the powerless autocrat of the school and knight of the ferrule. He gave the holiday and went home "to lay up for repairs," as the boys expressed it; and the boys went to the show as if nobody had either been burnt or smoked.'

"Such were the methods of discipline and

of teaching in the 'Old Field' schools which were to be found in many parts of Kentucky" in the earlier days of the State.

So different are the methods of today, that there is no need for an apology for the space used in setting forth for the youth of today incidents common enough in the school-days of their grandfathers or, it may be, even in the experience of their fathers, if the latter found their first instruction in the country schools. Of course, the changes in discipline and in text-books, make the schools of today far superior to those of the period referred to, yet it must not be forgotten that those "Old Field" schools sent out into the world men who made their mark deep and wide upon the history of their times, some of whom never saw even the outer walls of a college.

The good women of Kentucky, who have organized clubs for the advancement of pretty much everything under the sun, will be interested in learning that the first common school teacher in Kentucky was a woman, though, unfortunately, the name of this pioneer adventurer into the wilderness of education, cannot be here given. Notwithstanding that she made the first efforts to extend the benefits of education, there were not, at first, separate schools for girls. Girls were excluded from the first academies, and the only opportunities extended to them were those found in the "Old Field" schools. Professor Chenault, one of the foremost of Kentucky educators, to whom the State owes more than it can ever repay, quoting from the distinguished Felix Grundy, states that the teachers of these early schools, which girls had usually to attend, if they received any education at all, "were often destitute both of a knowledge of polite literature and good manners."

It is a pleasure to write that the statements above made are no longer correct and that the young girls of Kentucky have now an equal opportunity with others to secure the fullest education. The first seminary for the exclusive education of girls in the west, and probably in the United States, was that of the Rev. John Lyle, a Presbyterian minister, which was located at Paris in 1806. This school was successful and soon there were two hundred students or more, after which, it is said to have been closed by reason of others than himself connected with its management, objecting to the reading of the Bible as a part of the daily exercises. Mr. Lyle withdrew from the seminary and returned to the ministry and the institution appears, so far as can now be learned, to have been broken up. Another female school of importance at this period was that of Mrs. Louisa Fitzherbert Keats at Washington in Mason County. This school, opened in 1807, after educating the daughters of many prominent citizens, was closed in 1812. "About this time, Loretto Academy was opened in what is now Marion County, and was followed in 1814 by Nazareth Academy in Nelson County. In 1825, Mrs. Tevis and her husband established Science Hill at Shelbyville, which excellent institution continues to this day, though under another management, and has educated thousands of the brightest young women of Kentucky and the south.

The oldest college in Kentucky with a continuous name, up to a recent date, is Centre College, founded at Danville in 1819. The first president of its Board of Trustees was Governor Isaac Shelby. This excellent institution, the best of its class west of the Alleghenies, has had a most illustrious career and has graduated scores of men who were subsequently governors, senators, congressmen, ambassadors and occupants of lesser positions. Its first president was the Rev. John McChord, of the Presbyterian church, and about him was gathered a faculty of the highest educational capacity. After him came Rev. Jeremiah Chamberlin, D. D., a man of great learning and ability. He resigned in 1826, going to Louisiana to become the president of Jackson College.

Dr. Chamberlin was temporarily succeeded by Rev. David C. Proctor who acted as president until 1827, when Rev. Edwin Blackburn was elected president and served until 1830. During his administration a theological department was added to the institution under the direction of Rev. James K. Burch, but owing to a failure of financial support, this idea was abandoned in 1831.

Dr. Blackburn's successor was the illustrious Dr. John C. Young, who came to the presidency in 1830 and continued to exercise that high office until his death, June 23, 1857, "doing, during this time, more than any other man, before or since, to establish the prestige of Centre among Kentucky colleges." Dr. Young's successor in the presidency was Rev. L. W. Green, D. D., formerly president of Transylvania University. Dr. Green's service was during the troubled period of the War between the States, but the operations of the college were not interrupted by the war for more than a few days at a time, though the matriculation of new students was reduced by the fact that the young men who should have been in college were, during that period, students in the University of War.

Dr. Green died in May, 1863, and was succeeded by Dr. William L. Breckinridge, who served until 1868, when he resigned.

Dr. Ormond Beatty succeeded Dr. Breckinridge, retaining the presidency until September, 1888. Dr. Beatty was an alumnus of the college and had devoted his life to teaching. His administration was most successful, as the college during his term met and overcame a heavy financial loss, from which it emerged with a larger fund for present use than it had possessed when the loss occurred, thanks to the generous subscriptions of the wealthy friends of the institution. In November, 1886, Dr. Beatty, owing to ill-health, a second time tendered his resignation as president, which was regretfully accepted. After several unsuccessful efforts to secure a capable successor to Dr. Beatty, the trustees finally selected, in 1888, Rev. Wm. C. Young, D. D., son of the former president of the college, who accepted the position. He was a graduate of Centre and had broadened the education there received by extensive travels abroad. During his administration a law department was added to the college, and the Hon. Procter Knott, LL. D., long a distinguished member of congress and a former governor of Kentucky, was dean of the faculty; the Hon. R. P. Jacobs, LL. D., and the Hon. John W. Yerkes, A. M., LL. B., being his associates. This department has been very successful, notwithstanding that from various causes the original faculty is no longer connected with it.

Following the death of Dr. Young, a new president was chosen after much delay in the person of Rev. William C. Roberts, D. D., a native of Wales and a graduate of Princeton University and of the Princeton Theological Seminary.

Dr. Lewis says: "No institution in Kentucky has a more distinguished body of alumni than Centre College; in fact few colleges in the country have a greater number of graduates distinguished in political life, especially,—the profession of law and that of the ministry being those most followed by Centre alumni. Once or twice in the past seventeen years there have been more old students of Centre in both houses of congress than from any other college in the country except Yale University." The following statement, taken substantially from the catalogue of the college for 1897-8, will, perhaps, best show the number and attainments of Centre's graduates: The entire number of the alumni at the present time is over 1,200. Among them are more than 330 lawyers, about 225 ministers of the gospel and more than 100 physicians, while the remainder are found in various professions and callings. Among the alumni, both of the living and the dead, who have greatly distinguished themselves in their respective professions and have

attained the highest positions of honor and trust, especially through the south and west, where they reside or where they did reside while they lived, Centre College has graduated twenty-four college presidents, forty-four college professors, twenty-six representatives in congress, five United States senators, seven governors of states, two vice presidents of the United States, one justice of the United States supreme court, thirty-eight circuit judges (state and national), forty-eight editors, four or five ministers to foreign countries, and many others occupying positions of trust and responsibility in other fields.

There had been differences growing out of the war which affected Center College and which led to the founding of Central University at Richmond Kentucky, an account of which may be pertinent here, as those differences have been long allayed and the two institutions have happily become one. The editor acknowledges his indebtedness for much of the following matter to Rev. L. H. Blanton, D. D., former president of the University, and to Rev. Harvey Glass, D. D., former curator of that institution. From these two accomplished gentlemen, these facts which follow are learned.

The educational movement which resulted in the establishment of the Central University at Richmond had its roots in some issues growing out of the War Between the States. One of the deplorable consequences of that sanguinary struggle was the strife and passion that invaded the church and forced an organic rupture. In the Presbyterian church this was precipitated by political deliverances of the General Assembly North against which the Synod of Kentucky protested as being unconstitutional and uncalled for. The synod was unhappily divided in sentiment; some were for standing by these deliverances although they deplored them, others were so zealous in their convictions that they were unwilling to remain silent, and thus ecclesiastical controversy in most virulent form was brought into the synod. The deliverances were of such a nature as to make a rupture in the church inevitable. They assumed to declare the de facto government to which the allegiance of the citizens was due and hence all Presbyterians within the Confederate States were unchurched and denied church privileges unless they repented and confessed to the sin of rebellion and slavery. Against these acts, which were repeated by several successive assemblies, the synod of Kentucky continued to protest in most vigorous terms and the result was a final exclusion of a majority of the Presbyterians of Kentucky from fellowship with the church North, and soon after they formed an organization with the church of the South known as the "Presbyterian Church of the United States."

For more than half a century the Presbyterians of Kentucky had looked to Centre College at Danville as meeting their educational wants and that institution had done noble work in equipping a large number of young men of Kentucky and the south for high honors in church and state. Each of the two synods, after the rupture, claimed to be the legal custodian of that institution and the claim could be settled only by the courts, which tribunals decided adversely to the Southern Synod, and those in that connection were thus left without an institution of higher education. They were ardently attached to this type of civilization which distinguished the people of the south and wished to perpetuate the ideals and traditions of the fathers which they felt were in danger of being lost during the turbulent and plastic period following the war, which resulted in such prostration and profound discouragement to a brave and generous people.

This danger they felt, would be greatly accentuated if the young men were to be educated in the northern institutions where the environment was, at that time, unfriendly to



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cherished social and political conditions. Hence, after an informal conference among the leading educators and others, chiefly alumni of Centre College, it was determined to make a heroic effort to establish a new institution on broad and liberal foundations which would meet the demands of the times and conserve the type of social and religious culture which they felt it was incumbent upon them to perpetuate.

A meeting was called at Lexington on the 7th of May, 1872, under the auspices of the synod of Kentucky and alumni of Centre College and others, to see if the way was clear to take steps looking to the establishment of such an institution. The meeting was largely attended and much enthusiasm developed. After full discussion, a permanent organization was formed, known as "The Alumni Association," which, on the following day, tendered to the synod of Kentucky its hearty co-operation in the establishment of such an institution. The offer was accepted by the synod and a joint committee was created by the two bodies for the arranging of details and prosecuting an endowment. A charter was agreed upon by the committee and adopted by both synod and association. By the charter the donors of the endowment were to own and control the university under the title of "The Alumni Association of Central University" and elect their successors from among the alumni of the new institution and its liberal benefactors. The direction of the university was confided to seven curators and its funds to five trustees. To the synod was confided the right to fill the chair of ethics. It was thus the purpose from the beginning to put the control of the University under the Alumni Association, by this plan avoiding the dangers which arise from either church or state control, and yet, so much of the instruction as belongs to the church was secured to it.

Having secured an endowment fund of $250,000, as a beginning, and after a heated struggle over the location between Danville, Richmond and Paris, Richmond finally won by offering a large, although not the largest, inducement in grounds and subscriptions. The curators then proceeded to erect the main building and four professor's houses on a large and beautiful campus. Having secured this much, the university was opened September, 1874, with a full faculty, some of whom were experienced teachers of repute and all of whom were expert in their own departments.

Dr. Robert L. Breck was elected chancellor and Dr. John W. Pratt, president of the faculty. Both were men of great ability and the opening was encouraging, especially in view of the fact that in the struggle for location considerable animosity was created between the friends of the enterprise and thus some of its warmest friends were, for a time, alienated. It was the purpose of the founders to establish a university, in fact, it was meant to embrace the four faculties:— The College of Philosophy, Letters and Science; the College of Medicine and Dentistry; the College of Law, and a Theological Seminary. The charter also provided for several university schools at different points in the state. These were meant to be high schools, where youth could be prepared for entering the university courses. Three of these were erected under control of the curators, one each at Elizabethtown, Jackson and Middlesborough. The funds of the university, however, were not to be used in founding or maintaining these schools. This was to be done by funds raised as a separate endowment in each case, and by matriculation fees. These schools were largely maintained by generous friends of Christian education in other states. Mrs. S. P. Lees, of New York, and Mrs. N. F. McConnell, of Chicago, were especially worthy of mention by their liberal contributions to the school at Jackson which

has prospered greatly and done a great work for education in that section of Kentucky. These results were accomplished during the administration of Chancellor Blanton.

Thus was laid a foundation so comprehensive, broad and liberal that, if it could have been definitely undergirded by financial backing, would have proved the most complete system of education ever formulated in the state. But it was to struggle under financial difficulties for a quarter of a century, yet it may be said without exaggeration that a greater educational work was never done on so slender a financial basis. Money given to education never accomplished so great comparative results. In these various university schools there were for a number of years at least a thousand students, yet the combined endowment was never greater than that of an ordinary college with two hundred or three hundred students.

The Hospital College of Medicine located in Louisville, rose by leaps and bounds in public favor under an able faculty and had in attendance upon the lectures between three hundred and four hundred students, and continued in ascendancy until its consolidation with other medical schools in Louisville.

The Law School met with varied success and introduced to the bar of Kentucky some of its most skillful attorneys who are an ornament to that vocation.

The theological school, organized at first as a department of the university, was removed to Louisville and organized under a new charter as "The Louisville Presbyterian Theological Seminary." It grew from year to year under the fostering care of the two synods of Kentucky and Missouri, receiving a liberal increase of endowment until it now has in buildings, libraries, endowment, etc., one of the most imposing and complete establishments of the kind in the middle west and south. With a faculty of distinguished educators it promises to be a fountain of sound Christian education that will meet all demands of the future. It has students from many states and, with the large Baptist Theological Seminary, will make Louisville a center of religious interest to the entire country.

The College of Philosophy, Letters and Science, which the founders had especially in view, calls for a notice, while it may be said that the opening in 1874 was encouraging, in view of the alienations created by the rivalries over the location, it should be borne in mind that it rested under a cloud that filled the minds of many with apprehensions for the future. Time proved that these fears were not groundless. In several parts of the state the feeling of some who were zealous friends at the beginning of the movement, was hostile, and these predicted failure. The financial resources were limited and it was evident that unless there could be an increase of funds, the opening standard could not be long sustained. In six years it was found that the available funds were almost exhausted and Dr. Breck, the chancellor, in declining health, became profoundly discouraged and determined to resign and turn the institution over to other hands. Dr. J. W. Pratt also resigned and returned to the pastorate where his splendid gifts as a preacher were fully devoted to the ministry. Dr. Breck removed for his health to California, preaching when his feeble condition permitted. The board of curators faced a discouraging outlook, for an enterprise of such noble ideals, projected with so much enthusiasm to fail so soon, would be a severe blow to the cause of education in Kentucky and would discourage the church by shaking confidence in its constituency. The board, however, did not falter. Believing that time had abated the animosities over the location, and believing that if the right man could be found for the chancellorship, the former friends of the enterprise could be re-enlisted

in its service, after mature conference, Rev. L. H. Blanton, D. D., who was then pastor of a flourishing church at Paris, Kentucky, was unanimously elected chancellor, and Dr. J. V. Logan, who had occupied the chair of ethics, was elected president of the faculty. Both accepted and entered at once upon the work. Dr. Blanton threw all of his remarkable executive ability and untiring energy into the work, soliciting endowment and patronage and soon the hopes of its friends revived and a new era dawned upon the university. The new chancellor reenlisted many of those who had been alienated and was successful in securing funds and students. The faculty was reorganized and all departments filled with capable men. The institution grew rapidly so that it soon became difficult to obtain board for the students. In 1883, three years after Dr. Blanton's incumbency, which was the centennial year of Presbyterianism in the state, a memorial hall was built providing rooms for students, a handsome gymnasium was built, laboratories established, the faculty enlarged and the standard elevated, so that the university took rank with the first institutions of the south.

At the centennial of the church in Kentucky, held at Harrodsburg in 1883, the report of the committee appointed to visit the university, contained the following: "We rejoice to be able to report the institution is in a most prosperous condition. It has a larger number of students than ever before. There is a manifest improvement also in the thoroughness of their previous training and their application to work. Your committee cannot too highly commend the efficient services of the chancellor. Rev. L. H. Blanton, D. D., to whose executive ability, untiring energy and devoted zeal the institution owes so much, and who is laboring day and night on its interest so as to merit the thanks not only of this synod but of the friends of education all over the land." This report was unanimously adopted.

The university continued thus from year to year, extending its influence and enlarging its equipment to the close of the century under the joint administration of the chancellor and the president of the faculty. Thus for a quarter of a century, it had steadily grown in public favor and efficiency and had turned out a large number of men who took front rank in all the vocations of life—governors, congressmen judges in courts, physicians and ministers of the gospel, who are filling high places of trust and service to the state and the church.

The advent of the new century brought with it a conjunction of circumstances that profoundly affected the future of the Central University. In the first place, the great financial panic through which the country had just passed had rendered much of its endowment insecure. There was such severe stringency in money that several corporations whose bonds were held by the institution, suspended payment of interest, thus cutting down the annual income. The failure of many of the staunchest friends of the university whose notes were held, rendered them unable to pay either principal or interest. They had sustained such heavy losses that a number of them were compelled to withdraw their subscriptions. The losses thus entailed aggregated $50,000 at least. Another cause of a serious reduction of income was in tuition fees. There had been no reduction in the number of students; on the contrary the last three or four graduating classes were the largest in the history of the institution, but the reduction in fees amounted to at least half the former amounts. This was brought about by the competing for students by the half-dozen colleges of Kentucky, some of them consenting to lower the fees as an inducement. These colleges, all in the heart of

the Blue Grass region, allowed themselves to be drawn into an unseemly rivalry for students and thus mutually crippled each other, the youngest of course, being the greatest sufferer. But more serious than all else was the competition of the state college, which has an annual income of $100,000 which will increase as the years come.

In the meantime, and in conjunction with these successive financial disasters, a new spirit was abroad in the land, transparently manifest to all observers of events. There had been for several years a strong tendency toward combination and consolidation of resources in the interest of economy and efficiency. Men were beginning to see the sinful waste of division and unreasoning rivalry. They were becoming more and more impressed with its weakness and the cumulative strength of combining forces. In other words, they were asking with increasing urgency, "Why this waste? Would not one strong institution capable of meeting the educational wants of a given territory, without having to appeal to the denominational friends to get students and crying for help from year to year, be better than two such half-endowed ones, when owned, controlled and managed by people who think alike, look alike and talk alike?"

Another trend of thought was also manifest. The spirit in which Central University was founded was fast ebbing away and men were beginning to see that the pursuit of philosophy, letters and science had little to do with a question of practical politics that was settled nearly half a century since. Most of the people concerned were feeling quite uncomfortable over the existence of two struggling rival colleges almost within speaking distance of each other. The deplorable animosities and suspicions following the war were fast abating and the fierce struggle for patronage was becoming intolerable to both parties. Hence the friends and patrons of both began taking counsel together to see if some plan could not be devised by which a satisfactory consolidation could be accomplished, and thus save a waste of resources and acquire enlargement of scope and improvement of educational facilities. After much conference between officials on both sides and consultation with able attorneys representing both wings of the church, it was found that there were no legal barriers to a consolidation. In a spirit of mutual concession, it was determined, both parties agreeing, that the Central University at Richmond be removed to Danville and consolidated with Centre College, to be known still as Central University, while the theological seminary at Danville was to be removed to Louisville, there to be consolidated with the theological seminary under control of the synods of Kentucky and Missouri, the funds of Central University going to Centre College and the funds of Danville Theological Seminary going to the Louisville Seminary.

It was agreed that whatever legal or moral obligations to the subscribers to the local fund might exist, should be faithfully met by the new corporation. It was further provided that the various buildings of Central University at Richmond should be dedicated to the new collegiate institute and further that fifteen per cent of all money subscribed to the new institution should be set aside as the basis of an endowment until $40,000 additional should be secured. Everything possible was done to deal generously with the people of Richmond in the settlement. It was natural that local interests at both Richmond and Danville resented this movement. The people of the first-named town strenuously protested against the university going to Danville and the people of the latter town protested against the Theological Seminary going to Louisville. But the Alumni Association and the Southern Synod almost unanimously ratified the action of the boards, as the Synod North unani-

mously did, and in 1901 the consolidation was legally completed and both university and seminary entered upon a future full of promise to both institutions.

The Central University at Danville is now under the able and successful presidency of the Rev. F. W. Hinitt D. D., keeping alive the splendid history of the old Centre College which it succeeds, and the young Central University of Richmond to the fine record of which it succeeded.

Before quitting consideration of this famous educational institution reference is due one of the really great men who, at the head of Centre College, made his mark broad and deep upon the history of education in Kentucky.

Ormond Beattie was born in Mason county, Kentucky, in 1815 and was graduated from Centre College when twenty years of age. After a year's post-graduate course at Yale, he became a professor of natural science in the college which had given him his education. Transferred to the chair of mathematics, he again, after five years, returned to the chair which he had first held. In 1870 he became president of the college and filled the chair of metaphysics holding these positions until his death in 1890. He was a great teacher, and, in addition to his duties with the college for half a century, he filled many positions of honor in the Presbyterian church and its councils. He passed to the high reward for his great labors June 24, 1890, honored by all who had known him; beloved by those whom he had taught.

The charter of the University of Louisville was granted by the legislature on February 7, 1846, and contemplated the founding of "all the departments of a university for the promotion of every branch of science, literature and the liberal arts." Lewis, in his sketch of Kentucky institutions, says: "Its basis was to be the Louisville Medical Institute, then a flourishing institution—a law department to be at once established—and power was given to convert the Louisville College into the collegiate department. The proposed institution was, according to the plan of the management adopted for the Louisville Medical Institute in 1837, to be governed by a board of eleven trustees who were to be appointed by the mayor and City Council of Louisville, and were given the right to confer all degrees usually conferred in colleges or universities.

"The medical department of the University of Louisville, is the oldest medical school now existing in Kentucky with a continuous history. Its origin may be traced, in name at least, to the Louisville Medical Institute, which was established in Louisville on February 7, 1833, and was it seems, operated for a short time under the charter of Center College at Danville. It appears, however, never to have had any vigor and was succeeded in 1837 by a new institution, under the same name, out of which has grown organically the present medical department of the University of Louisville, which has thus had a continuous corporate history since 1837."

The leading spirit in the establishment of the medical department was Dr. Charles Caldwell of Transylvania University, who came to Louisville and interested other prominent medical men in the project to establish a university. The council gave four acres of ground centrally located, and $50,000 toward the establishment of the university, $30,000 being for a suitable building and $20,000 for a library and apparatus. Dr. Joshua B. Flint was sent to Europe to purchase a suitable equipment for the new school. The cornerstone of the new building was laid February 22, 1838. The students who had already come to the new institution occupied temporary quarters in the upper rooms of the city workhouse, which stood on the site of the university." Think of it! The young men who were to become the leading physicians

of the country gained their first training in rooms above the derelicts who were sent to the workhouse for their violation of the laws of the city.

"The first faculty of the school was constituted as follows: Charles Caldwell, professor of the institutes of medicine; John Esten Cooke, theory and practice of medicine; Lunsford P. Yandell, chemistry; Henry Miller, obstetrics; Jedediah Cobb, anatomy; Joshua B. Flint, surgery. There were only twenty-five students present at the opening of the new institution but eighty, a number of them from other institutions, were in attendance during its first session and at its close the degree of M. D. was conferred upon twenty-four candidates."

Through various vicissitudes the medical school continued, always maintaining the high standard of excellence which had marked its beginning. To note the names of those who have held its different chairs would be to publish a directory of the most famous medical men of Louisville from the day of its foundation to the present; the list of its graduates would be a repetition of the names of many of the foremost physicians and surgeons in the United States. Other and excellent schools of medicine have in the years of its life, risen, flourished and passed away. Yet the University of Louisville, in its medical department, has gone on from initial excellence to the highest standard in the medical world and its diplomas today place their holders in the front rank of medical science.

The Louisville Law School, as the legal department of the University of Louisville is commonly designated, was organized February 7, 1846, and from its opening session to the present, it has been successful. Those most prominent in its formation were the Hon. James Guthrie and Chancellor Henry Pirtle. Mr. Guthrie was a lawyer, capitalist and statesman of the highest distinction. In subsequent years he became president of the Louisville and Nashville railroad, secretary of the treasury in the cabinet of President Pierce and United States senator. The first faculty of the school had at its head the distinguished lawyer, Chancellor Pirtle, professor of constitutional law, equity and equity pleadings and commercial law; Garnett Duncan, professor of the science of law and the law of nations; Preston S. Loughborough, professor of the practice of law, including actions, pleadings, evidence and criminal law. All of these were able lawyers, but Judge Pirtle was the most distinguished and the one destined to be most closely connected with the school and to build the foundation upon which its success was to be established. "He was for twenty-seven years a professor of the law school and was more potent than any other one man in shaping its destinies. He was a profound lawyer, particularly in the equity branches, and was to the end of his life an enthusiastic and laborious student in many fields of learning."

Professor Duncan, a leader at the Kentucky bar, remained with the faculty but one year, being succeeded by Ephraim H. Ewing, who held a high position at the bar. Of Professor Loughborough it has been said that "as a professor, he moved with familiar steps over the department of jurisprudence confined to his teaching, and, as a practitioner he may be said to have illustrated the law by his learning and sagacity." He remained with the school until a short time prior to his death in 1852, and was succeeded by James Pryor. In the years succeeding, the most able and efficient members of the bar of Louisville have served as members of the faculty. From the Louisville Law School have gone out more young men who were to become great judges, governors, senators and congressmen than from any other law school in the United States.

In recent years there has been established in Louisville apart from the university the

Jefferson School of Law with a strong faculty, which has been successful from the beginning, its sessions being held in the evening, thus giving to its students an opportunity to pursue their advocations during the day time and receive desired instruction in the evening. The fees are not excessive and this school offers excellent facilities to young men whose circumstances do not permit them to enter the more expensive schools, but the law fees do not represent cheapness in training, as young men going out of this institution, with its diplomas, have no difficulty in passing the examinations requisite to admission to the practice of law in the highest courts of the state.

CHAPTER LVI.

THE SOUTHERN BAPTIST THEOLOGICAL SEMINARY—TRANSYLVANIA UNIVERSITY—BECOMES KENTUCKY UNIVERSITY—COLLEGE OF THE BIBLE—TRANSYLVANIA UNIVERSITY AGAIN—LOUISVILLE PRESBYTERIAN THEOLOGICAL SEMINARY—STATE NORMAL SCHOOLS—THEIR ESTABLISHMENT—THE GENERAL ASSEMBLY OF 1908—GEORGETOWN COLLEGE—KENTUCKY MILITARY INSTITUTE—BETHEL COLLEGE—BEREA COLLEGE—OTHER EDUCATIONAL FORCES.

The Southern Baptist Theological Seminary was founded at Greenville, South Carolina, in the year 1859. The first faculty consisted of James P. Boyce, John A. Broadus, Basil Manly, Jr., and William Williams. Southern Baptists had for a number of years prior to the organization of the seminary discussed, upon various occasions, the founding of such an institution for all the southern states. Behind the movement, and as a means of unifying the South in the establishment of the seminary was the Southern Baptist convention, which was organized in 1845. In the deliberations of this body considerable time was given to the subject from time to time. At length, in May, 1857, an educational convention was held in Louisville, Kentucky, at which it was definitely decided to establish the school. One of the obstacles which it was necessary to overcome in the establishment of the Southern Baptist Theological Seminary grew out of the fact that in many of the colleges in the southern states theological departments were already in existence, It was natural, therefore, that those who were identified with these theological departments looked with some disfavor upon the project of founding the new school which should undertake to do the general theological work of Southern Baptists, but as the discussion proceeded and the merits of the undertaking became more clearly defined these objections, one by one, melted away, and at length there was a good degree of unanimity in the undertaking. The only predecessor of the institution among southern Baptists was the Western Baptist Theological Institute which had an existence for a few years at Covington, Kentucky. Northern and southern Baptists united in the establishment of the institute and its patronage came from north and south, but when the southern Baptists separated from the north in their missionary organization the professors of the Covington institution cast in their lot with the Northern Baptist missionary societies, chiefly perhaps because of their opposition to the institution of slavery. The institute therefore went out of existence through the contests which arose between the opposing factions of those who had been hitherto supporters of the school. Southern Baptists withdrew their support entirely and began the agitation for a new institution. R. B. C. Howell and J. R. Graves were among the leaders in the agitation. At a meeting held in Nashville, Tennesseee, in 1847, and another held in Charleston, South Carolina, at a later date, addresses were made in favor of the new institution by Basil Manly, Jr., and W. B. Johnson, president of the Southern Baptist convention.

In June, 1854, the Virginia Baptist General Association called a meeting on the subject

to be convened in May, 1855, in connection with the annual meeting of the Southern Baptist Convention. B. Manly, Jr., and James P. Boyce were active members of this conference, and John A. Broadus was also present. Yet another conference was held in Augusta, Georgia, in April, 1856. The District of Columbia, Virginia, North Carolina, Florida, Alabama, Mississippi, Louisiana, Tennessee, South Carolina and Georgia were represented at the meeting. Action was again deferred and another convention was called to meet in Louisville, Kentucky,—the meeting already referred to. This was also prior to the annual meeting of the Southern Baptist Convention. At a meeting held at Greenville, South Carolina, prior to the Louisville meeting, Rev. James P. Boyce submitted a report calling for a committee whose duty it should be to ascertain whether or not there were communities desiring the institution and what they would provide in a financial way to secure it. Dr. James P. Boyce henceforth becomes the most prominent figure in the founding of the Southern Baptist Theological Seminary. He had been professor of theology in Furman University, Greenville, South Carolina, and during the next two years Dr. Boyce became the recognized leader of the movement. On July 30, 1856, he delivered an address which has since become famous on the general subject "Three Changes in Theological Institutions." These changes were summed up by Dr. John A. Broadus as follows:

"(1) A Baptist theological school ought not merely to receive college graduates, but men with less of general education—even men having only what is called a common English education—offering to every man such opportunities of theological study as he is prepared for and desires.

"(2) Besides covering, for those who are prepared, as wide a range of theological study as could be found elsewhere, such an institution ought to offer further and special courses, so that the ablest and most aspiring students might make extraordinary attainments, preparing them for instruction and original authorship, and helping to make our country less dependent upon foreign scholarship

"(3) There should be prepared an Abstract of Principles, or careful statement of theological belief, which every professor in such an institution must sign when inaugurated so as to guard against the rise of erroneous and injurious instruction in such a seat of sacred learning."

This address, perhaps more than any other one influence, controlled the organization of the institution. The conception of offering theological education to the man who had only an English education was a most timely one and eminently adapted to the conditions then existing in the south. At the Louisville convention in 1857 a proposition from the South Carolina Baptist Convention to give $100,000 if the institution would come to Greenville was adopted by the convention, and it was agreed that if that sum should be raised in South Carolina by May 1, 1858, the institution would go to the state named. An educational convention was called to meet at Greenville in May, 1858, to organize the desired institution. The committee on plan of organization consisted of James P. Boyce, John A. Broadus, Basil Manly, Jr., E. T. Winkler and William Williams. These five were all highly gifted men, and all were elected professors of the institution. Dr. Winkler declined to serve, and the remaining four constituted the first faculty. Dr. Boyce had secured the necessary funds in South Carolina, so that the establishment of the institution was thus made a certainty. A committee on plan of organization was appointed which met in Richmond, Virginia, in August, 1857. There were present at this meeting B. Manly, Jr., John A. Broadus and James P. Boyce. Dr. Boyce had requested Dr. Manly

to draw up the abstract of doctrinal principles to be signed by each professor, and had requested Dr. Broadus to prepare the outline of the courses of study, and he himself had drawn up the legal and practical arrangements in regard to trustees and professors. Their plan in general was adopted at a subsequent meeting at Greenville in May, 1858. Owing to developments, however, the opening of the seminary was delayed for one year, or to October 1, 1859. At that date, in Greenville, it began with twenty-six students. The course of study was divided into eight separate schools, with each professor in charge of two schools. The courses were all elective, and the student received credit for the work done whether he completed the full course or not. The institution was the first in the history of theological education to adopt the elective system. From the beginning, it has been notable for the emphasis it has put upon the English Bible, there being very extensive courses on the Old and New Testament in English, in addition to the regular courses in Greek and Hebrew.

The Civil war dealt a terrible blow at the life of the institution, and the seminary was closed from 1862 to 1865. Dr. Boyce served as chaplain of a South Carolina regiment during part of this period, and also became a member of the legislature of South Carolina and enacted a conspicuous role in that body. Dr. Broadus was a missionary in Lee's army. The other professors in the faculty preached to country churches in South Carolina. At the close of the war the endowment was gone. In 1865 the question arose whether or not the seminary should be reopened. The end seemed to have come; but the faculty resolved to die first rather than see the seminary die. This sentiment was voiced by Dr. Broadus, and all the others acquiesced. The institution was therefore reopened and on a very small scale work was begun. There were but seven students during the session of 1865-6, and there was a long period of sore struggle. The south was so impoverished that it was next to impossible to secure the necessary funds to pay the salaries of professors, and many tempting offers came to them to relinquish the work and go to other fields. But these were not men who were willing to surrender a great undertaking. Slowly it became evident that South Carolina could not endow the school. The question was much discussed whether or not the seminary should be moved. A committee consisting of J. B. Jeter, T. H. Pritchard, S. L. Helm, T. P. Smith, S. Henderson, L. Hillsman and Jos. E. Brown was appointed to report upon the question of removal. It was finally decided to move the institution to Louisville, Kentucky, so soon as a sufficient amount for endowment could be subscribed in that state. Dr. Boyce come to Kentucky, in 1872, in order to raise the necessary funds, but the panic of the following year interfered greatly with the undertaking. Finally, however, the necessary arrangements were made, and the institution was brought to Louisville in 1877. Primary attention was given to the raising of endowment, and not to buildings.

Hon. Jos. Emerson Brown, of Atlanta, Georgia, at a most critical time in the history of the institution, made a donation of $50,000 in cash and good securities. This was the first great gift which the institution had received, and virtually it saved its life. Mr. George W. Norton, of Louisville, who was from the beginning a generous giver to the seminary, cooperated with Dr. Boyce in his plans and made many valuable suggestions. His brother, Mr. Wm. F. Norton, also assisted, and the two Norton brothers made frequent and generous gifts to the institution. Norton Hall, located on Broadway between Fourth and Fifth streets, is a monument to their generosity. The members of the Norton family have remained the staunch sup-

porters and generous givers to the institution in all the succeeding years. The number of students in the institution in 1877-8, the first year of its location at Louisville, was 89. This was 21 students in excess of the largest attendance while the seminary was located at Greenville, South Carolina. After 1886 the number never fell below 100. During the last eleven years the attendance has ranged from 230 to 320. For the past three or four years the record has hovered near the 300 mark.

Dr. John A. Broadus was elected to succeed Dr. Boyce as president of the seminary when Dr. Boyce died in 1888. Upon the death of Dr. Broadus in 1895, Prof. Wm. H. Whitsitt was elected to succeed him. Prof. Whitsitt remained as president until the year 1899, when he resigned, after which Pres. Jas. P. Greene, of William Jewell College, Liberty, Missouri, was elected as president of the institution. President Greene declined the office, and Dr. E. Y. Mullins, (who is a native of Mississippi and whose life had been spent in the south, with the exception of three years and a half as pastor in Newton Centre, Massachusetts, at which point he was pastor at the time of his election to the presidency) was chosen to succeed Pres. Wm. H. Whitsitt, and has continued as president of the institution since his election in 1899. Prof. Crawford H. Toy, who was a brilliant scholar and teacher, retired from the faculty, owing to differences in doctrinal views from those held by Southern Baptists. Prof. Basil Manly, who was one of the most zealous advocates and energetic workers in the early days of the seminary and until his death, died in 1892, though there was an interval of three years during which he did not teach in the institution. Prof. John A. Broadus, one of the most brilliant teachers of his generation, died in 1895, having left his impression upon the institution in many ways, and having written numerous standard works on theological subjects. Prof. William Williams was, like Dr. John A. Broadus, a great preacher, and passed away in 1877. Prof. Wm. H. Whitsitt retired from the institution in 1899, after a notable career as a teacher of church history. Few men in the institution have had a deeper hold upon the affections of all the students. George W. Riggan was one of the most gifted of the younger men in the faculty, and remained a teacher but four years, having died in 1885. Prof. Sampey is at present the oldest in length of service in the faculty, having begun in 1885. He now conducts great classes in Hebrew and Old Testament English in a most effective way. F. H. Kerfoot retired from the institution in 1899, after serving twelve years. He was especially gifted as a business man and organizer, and rendered admirable service to the institution as treasurer and financial agent, as well as professor of theology. Prof. A. T. Robertson began teaching in 1888, and has proven a worthy successor to Dr. John A. Broadus in the department of New Testament Greek and English. He is still teaching in the institution. Prof. E. C. Dargan taught from 1892 to 1907. He was especially fitted for his department (homiletics) and his retirement occasioned great regret to all the seminary management. Prof. Wm. J. McGlothlin has taught from 1894 to the present time, having succeeded Dr. Wm. H. Whitsitt as teacher of church history, and has very special gifts as a teacher. Prof. H. H. Harris taught from 1895 to 1897. He was a remarkably brilliant Greek scholar, and his death was a great loss to the institution. Prof. W. O. Carver began his work as professor in the institution in 1896, is still connected with it, and is a most efficient professor of comparative religion and missions and associate professor in Greek. Prof. George B. Eager began his excellent work as professor of biblical introduction and pastoral theology in 1900 and now occupies that position. Prof.

Byron H. De Ment came into the institution in 1906 and undertook an entirely new department which was founded when he came—Sunday school pedagogy and method. The classes in this department, under Dr. DeMent's excellent guidance, are among the largest in the institution. This was a new departure in theological education which other schools have followed since its establishment at the Southern Baptist Theological Seminary. In 1907 Prof. Chas. S. Gardner was chosen to succeed Prof. E. C. Dargan in the chair of homiletics and ecclesiology. He has evinced special gifts as a teacher and has a strong hold upon his work. Since the year 1884 Rev. Thompson M. Hawes has been the instructor in elocution in the seminary. His work is among the most valuable in the entire curriculum of the school in training man toward self mastery in the delivery of sermons.

The seminary confers four degrees, Th. G., or Graduates in Theology, being given for the completion of all the English studies except Senior Church History and Biblical Theology. The degree of Th. B., or Bachelor in Theology, is conferred for a selected course of English studies and one year each in Greek and Hebrew. The degree of Th. M., Master in Theology, is given for the completion of all the courses, both English and the languages. The degree of Th. D., Doctor in Theology, is given for one year's post-graduate study under certain required conditions.

The institution has lately been greatly reinforced by an increase in its endowment. In the year 1908 when the Southern Baptist Convention met in Hot Springs Arkansas, a movement was inaugurated to raise $600,000 additional endowment. President Mullins has devoted most of his time during the past two and a half years to the raising of this money and the general oversight of the campaign for funds, and at the time of this writing the amount is practically raised. This, however, does not mean that the cash has been paid into the treasury, but only that pledges have been made covering the amount, the pledges being payable in installments covering five years.

The influence of the institution is world-wide. Between one and two hundred of its graduates are now on the foreign mission field. About seven foreign countries are represented each year in its student body. Its graduates occupy leading pastorates, secretaryships and editorial chairs all over the United States. Its central location at Louisville makes it accessible to all parts of the United States, and its friends consider its position most strategic from the point of view of growing influence and power.

The oldest permanent institution of learning west of the Alleghenies, had its beginning in the Revolutionary war and is a monument of our early national endeavor. Virginia, of which Kentucky was then a part in her fervor of patriotism, had declared forfeit to the state the property of all within her borders who bore arms with the British against the colonies. In the county of Kentucky there were three wealthy Tories, who, coming under this ban, lost the holdings they had entered upon. They were Alexander McKee, owning two thousand acres; Henry Collins with three thousand acres, and Robert McKenzie with three thousand acres near the mouth of Karrads creek in what is now Jefferson county. These three Tory estates, aggregating eight thousand acres, by an act of the Virginia legislature in May, 1780, six years after the first permanent settlement in Kentucky, were, through the efforts of Rev. John Todd of Virginia and his nephew, Col. John Todd of Kentucky, set aside for the cause of public education, under "an act to vest certain escheated lands in the county of Kentucky in trustees for a public school." Under this quasi charter thirteen trustees were appointed, constituting the first governing board. The

general turmoil from the effects of the Revolution, as well as from Indian hostilities, delayed further development until 1783 when Col. Caleb Wallace, another Kentuckian in the Virginia assembly, championed a second act granting twelve thousand additional acres of land and conferring a regular charter to an enlarged board of twenty-five trustees, among whom were those grim Indian fighters, Isaac Shelby, George Rogers Clark and Thomas Marshall. These trustees, as also seeing Col. Richard Henderson who had purchased from the Cherokee Indians millions of acres of land in south-central Kentucky. His plans, as appears elsewhere in this work, were later checked by the Virginia assembly, but the name Transylvania had already become connected with the region where the new seminary was later to arise. Because of its classic dignity and descriptive fitness—for the word Transylvania, like its Indian parallel, Kehewta-Ke, or Kentucky, signifies



Transylvania University

the professors or teachers, were, by the charter, required to take the usual oath of public officials for the proper performance of their duties, while the teachers and students were to be exempt from the performance of military duties. This provision of the charter proved of small avail as, in time of strife, no Kentuckian, either teacher or student, accepts exemption from duty, but is at the point of danger with gun and equipment.

The name given the proposed institution was Transylvania Seminary, perhaps in recognition of the scheme for colonizing Transylvania territory by the shrewd and far-an "open plain beyond the forest!"—this name was naturally transferred to the school destined to arise there.

The first meeting of the trustees was held November 10, 1873, near Danville, with Rev. David Rice, a graduate of Princeton, in the chair. Since the land-grant furnished only a guarantee of permanency and not, as yet, an available income, a committee was appointed to solicit immediate funds, books and apparatus. Three months later, at a third meeting of the trustees, twenty-one pounds and thirteen shillings had been collected through individual donations ranging

from one to nearly two pounds, besides a literary and philosophical apparatus given by the Rev. John Todd of Louisa, Virginia. This was supplemented by a legislative act granting to the support of the seminary one-sixth of all surveyor's fees collected in the Kentucky district. A school building was erected near Danville in the winter of 1784, and on Feb. 1, 1785, the first session began, with Rev. James Mitchell as master at thirty pounds per year. Tuition, it is interesting to note, was one pistole, a Spanish coin worth $4.80, for each quarter session.

Lexington, because of its size and commercial importance, seemed a more favorable location, and on November 13, 1788, due to the efforts of John Filson, the earliest of Kentucky historians, the trustees decided to move the school thither, where the first session in its new home began June 1, 1789, under the charge of John Wilson. The first "Commencement" is recorded in John Bradford's *Kentucky Gazette* for April 26, 1790, in which occur these words: "Friday, the 10th instant, was appointed for the examination of the students of Transylvania Seminary by the trustees. In the presence of a very respectable audience several elegant speeches were delivered by the boys, and in the evening a tragedy was acted and the whole concluded with a farce." The "intelligent compositor" must have been extant even at that early date, since the editor must have written "eloquent speeches" whereas he is made to refer to them as "elegant."

In 1791 the Rev. James Moore, a minister from Virginia, was placed at the head of the school. Under his administration, in 1793, the seminary was permanently located on a campus of three acres, then on the outskirts, now almost in the center of Lexington, belonging to and adjoining the present campus of the university. An old well, dug in June, 1794, to supply the school with water, yet remains. These improvements were largely due to the "Transylvania Land Company," sometimes called the "Seminary Company," consisting of eight or ten public spirited citizens, paying ten pounds each to this end.

On February 5, 1794, James Moore was succeeded by Harry Toulmin, a personal friend of Thomas Jefferson. He was a man of great ability—an author and prominent politically. Early in his administration he enlarged the teaching force, and the curriculum so as to include Greek, Latin, French, geometry, astronomy, natural science, composition, elocution, history, logic and philosophy—the equal of the best colleges in America at that time. A brick building was erected on the campus in 1795 to accommodate the growing school. Toulmin resigned in April, 1796, to become secretary of state under Governor Garrard, later publishing a digest of the laws of Kentucky and subsequently serving as judge of the United States court in the territory of Alabama.

Toulmin was succeeded as head of the seminary by James Moore, and two years later, in 1798, an act of the Kentucky legislature was approved uniting with the seminary a school recently organized under Presbyterian auspices at Pisgah, eight miles southwest from Lexington, and the consolidated institution was given the name of Transylvania University, which title it formally assumed on January 1, 1799. The first president was James Moore, who soon instituted the colleges of law and medicine. The first graduates from the university were Austin Respess and Josiah H. Johnston, the latter of whom was an uncle of Col. J. Stoddard Johnston, of Louisville, one of the most widely and best beloved of Kentucky's citizens. Josiah H. Johnston, in later years, served with much distinction as a United States senator from Louisiana.

President Moore was succeeded in 1804, by the Rev. James Blythe, who was both a doctor of medicine and of divinity. In the second

year of his term Henry Clay was appointed a professor in the law department of the university, which office he held until 1807, resigning to become a trustee, which position he held continuously until his death. Dr. Blythe was succeeded in 1818, by the Rev. Horace Holley, LL. D., of Yale. By the sale of certain lands, a three-story brick building was erected at a cost of $30,000. The city of Lexington gave $6,000 for further library equipment. During the early part of Dr. Holley's administration Jefferson Davis, who was afterwards to play so great a part in the country's history, was a student for nearly four years and until his appointment to a cadetship at West Point. The university spread its influence as never before over the whole south, hundreds of students coming from the distant Gulf states. Before the close of Dr. Holley's administration in 1827, five hundred and fifty-eight graduates had gone out from the institution as opposed to only twenty-two during the years preceding 1818. The Rev. Alva Woods, D. D., was president from 1828 to 1831. During his term the city of Lexington donated over $10,000 to meet the expenses of the university. On May 9, 1829, occurred the loss by fire of the central hall, built during the preceding administration. John Lutz succeeded Dr. Woods and was president from 1831 to 1833, being succeeded by the Rev. Benjamin Peers, who served until 1834. On November 4, 1833, a new building, now Morrison College, was dedicated. This was built from funds derived from the bequest of James Morrison, a wealthy land owner and trustee of the university.

The next administrations were those of Rev. Thomas W. Coitt, D. D., 1835 to 1837; Rev. Louis Marshall, D. D., 1838 to 1840, and of Rev. Robert Davidson, D. D., 1840 to 1842. In 1841 the trustees committed the academic department, then known as Morrison College, to the Kentucky Conference of the Methodist church. Under its auspices, the Rev. Henry Bascom, D. D., and LL. D., held the presidency from 1842 to 1849. He, like Holley, was a man of great natural power; unlike Holley, had enjoyed more of the advantages of collegiate training. He was, however, in all his youthful wanderings as a circuit rider, a hard student and his own severe master. An orator and a natural leader of men, he had attracted the notice of Henry Clay, through whose recommendation he was made chaplain of the house of representatives at Washington. A second era of great growth began for the university; in 1843 five hundred and fifty-two students were in attendance, a revival of influence which continued after Dr. Bascom's resignation in 1849, when he became one of the greatest and best beloved bishops of the Methodist church in the south.

Upon the resignation of Bishop Bascom, James B. Dodd, A. M., became acting-president until the academic department was reorganized in 1856 under the presidency of Rev. Lewis W. Green, D. D., as a state school for teachers. At the close of his administration in 1858, the university, owing to the unrest of the years preceding and during the War between the States, became almost dormant. Only small classes were in attendance in Morrison, chiefly in the law department. During the height of the war, the buildings were seized by the federal government and used as military hospitals, the groans of wounded and dying filling the classic halls which had so often echoed to the logic of Holley, the fire of Bascom or the eloquence of Clay.

During the seventy-five years of Transylvania's then existence, thousands of students from all over the south had been in attendance and about two thousand degrees had been granted in arts, medicine and law. The medical department alone had registered 6,406 students and had 1,854 graduates.

On February 28, 1865, through the efforts of John B. Bowman, LL. D., Transylvania University, that had been made and declared University, then located at Harrodsburg, under the patronage of the Christian church. This latter institution had grown out of Bacon College, the earliest institution of its grade among the Disciples of Christ, more popularly known as the Christian church; had been established in Georgetown, Kentucky, in 1836, and in 1839 removed to Harrodsburg, where it was conducted until insufficient means led to its suspension in 1850. In the winter of 1855-6 Major James Taylor and Mr. John B. Bowman, both of Mercer county, entered on the work of founding a university which should be the successor of Bacon College. Mr. Bowman's appeals for financial aid were successful beyond expectation and the preparatory department was opened in 1857. An amended charter, approved January 15, 1858, in which the provisions of the first charter were greatly extended, and the name changed to Kentucky University, was accepted by the trustees of Bacon College, February 2, 1858. The collegiate department was opened under the presidency of Robert Milligan, A. M., September, 1859. The destruction of the college building by fire, in 1864, necessitated the removal of the institution from Harrodsburg. After invitations from Louisville and Covington had been considered, an offer of the property of Transylvania University, that had been made and declined in 1860, and which was now renewed, was accepted.

The first session of Kentucky University, in consolidation with Transylvania, began in Lexington, October 2, 1865. To the College of Liberal Arts and the Academy which had been conducted at Harrodsburg, the College of the Bible and the College of Law were now added. The office of regent of the university was created July 17, 1865, and John B. Bowman, LL. D., succeeded to that dignity which he retained until June, 1878. During his administration the Agricultural and Mechanical College of Kentucky was affiliated with the university, but the arrangement proved unsatisfactory to so many of the people of Kentucky that it was discontinued in 1878.

In the summer of 1878, the last session of the College of the Bible under the charter of Kentucky University, closed and the new College of the Bible which had been established in 1877, took its place. Since then this college, organized under its own charter, is in administration and control entirely independent of the university. The office of regent was discontinued June 12, 1878, at which time Henry H. White, LL. D., was elected president of the university. He filled this office until 1880, when he resigned and was succeeded by Charles Louis Loos, LL. D. In President White's administration, in 1887, the College of Liberal Arts and the Academy were opened to female students. President Loos having resigned Reuben Lindsay Cave, A. M., was elected his successor in 1897, serving until February, 1900, when he resigned and was succeeded by Alexander R. Milligan, A. M., as acting president until June, 1901, when Burris A. Jenkins, A. M., was elected president, and was forced by reason of ill-health, to resign in 1906, being succeeded by Thomas Benton McCartney, Jr., dean of the College of Liberal Arts, as acting president. In June, 1908, he was succeeded by Richard Henry Crossfield, A. M., to the presidency, and at the time of this writing (June, 1911) he continues at the head of the institution.

The one hundredth anniversary of the opening of Transylvania University was commemorated on the evening of January 1, 1899. The governor of the state was present and the parts of an appropriate programme were borne by gentlemen at the head of sister institutions of learning and by prominent ministers.

By an act of the legislature, approved March 20, 1908, and effective on June 12th of that year, the charter of the university was so amended as to confer upon the curators of Kentucky university, all the rights and privileges of the trustees of the old Transylvania University and the name of the institution was changed back to Transylvania University.

The Louisville Presbyterian Theological Seminary, although the most recently established institution of higher education of its own or of any other rank in Kentucky, is not really new in idea, but dates back in spirit and conception to the earliest attempts of the Presbyterians of the state to establish a theological seminary, which culminated in the foundation of the Danville Theological Seminary in 1853. The new seminary really stands in the same relation to the seminary at Danville as Central University did to Centre College before the union of the two institutions, Louisville Theological Seminary and Central University being representative institutions of the Southern Presbyterian church while Danville Seminary and Centre College represented the original organization ordinarily called, in contra-distinction, the Northern Presbyterian church. These separate organizations in the Presbyterian, as in the Methodist church, grew out of the question of slavery, settled by the war, and already, at this writing, efforts are making, with evidences of success, to eliminate the terms Northern and Southern, and bring these great and useful organizations into a union never again to be disturbed by political questions. Upon such a union all right-minded persons would look with favor.

As a result of the establishment of the Southern Presbyterian church in 1861, and of the division of the synod of Kentucky between the two churches in 1866, the Southern church, although representing by far the largest part of the former constituency of the institution, lost control of the Danville Seminary, which had been founded for the whole church in the south and west, but, in the disruption had remained under the original assembly. Thus deprived of any general institution for the higher professional education of its ministry, the Southern synod of Kentucky, after an unsuccessful attempt to obtain an interest on the control of the Danville Seminary upon what was deemed by them a desirable basis, determined, in the spirit of the fathers of the church in Kentucky, to establish a seminary of their own as early as practicable. The contemplated plan was held in abeyance for some time on account of the demands upon the church's resources of more pressing needs, but was never lost sight of, and finally reached its fruition in the establishment of the Louisville Presbyterian Theological Seminary in 1893.

In 1891, Rev. I. S. McElroy, D. D., as the financial agent of Central University and the synod of Kentucky, began to take active steps to raise funds for the proposed institution. He succeeded in the next two years in obtaining in various parts of the state, pledges for an endowment fund of $104,314, and for a building fund of $43,000. In securing the latter fund especially, which was given by the denomination in Louisville on condition that the seminary be located there, he was very efficiently assisted by Rev. L. H. Blanton, D. D., chancellor of Central University. Among others who may be named as especially instrumental in forwarding the plan of the proposed school were Rev. E. M. Green, D. D., Rev. T. D. Witherspoon, D. D., Rev. Charles R. Hemphill, D. D., Rev. J. S. Lyons, D. D., Walter N. Haldeman, Col. Thomas W. Bullitt. A. J. Alexander, William T. Grant and George W. Swearingen. Of these laymen all have since passed to their reward as have several of the ministers named.

The preliminary steps looking toward the immediate opening of the seminary were taken

in 1892 by the synods of Kentucky and Missouri, which agreed to join in the control of the institution. They invited the participation of the synods of the other southern states and appointed a provisional board of directors, with Rev. E. M. Green as chairman, whose duty it was to draw up a charter as a legal basis for the school, and frame a constitution for its organization and administration. The charter and constitution were adopted early in 1893 by the associated synods of Kentucky and Missouri, by whom the first board of directors, composed of ten members from each synod, was chosen. This board was soon after organized in Louisville, where it was decided by them to locate its seminary on account of the large building fund offered by the citizens of that city, the strength of its Presbyterian churches, its accessibility, and its admirable advantages in other respects. The organization of the institution may be said to have been complete when the supervision over it, provided for by its charter and constitution, was accepted by the general assembly of the church meeting at Macon, Georgia, in the latter part of May, 1893.

The charter bears the date of May 3, 1893, and constitutes the seminary a perpetual corporation under the statutes of Kentucky, declaring its purpose to be "the education and training of young men as ministers of the Gospel according to the Confession of Faith, catechisms and other standards of the Presbyterian church in the United States, commonly known as the Southern Presbyterian church, and their support and maintenance while in attendance, as far as may be deemed advisable and practicable."

The charter put the proposed institution temporarily under the management of a board of directors consisting of ten members from each of the synods of Kentucky and Missouri as already constituted, but provision was made that this board, in the future, might consist of not less than ten nor more than fifty members, chosen by the synods joining in its control, one-fifth of them to be chosen each year. All direct control of the institution, both as to its property and other affairs, is vested in this board, but the general assembly of the church is given the power to veto the election of any professor or his transfer from one chair to another.

According to its constitution, the funds belonging to the seminary are designated as (1) the building fund; (2) the endowment fund; (3) the library fund; (4) the current expense fund; (5) the scholarship fund, and (6) the lecture course fund. Its course of instruction is modeled on the university plan in distinction from a fixed curriculum of study, and, as originally outlined, is divided into the nine independent schools of Biblical introduction; Old Testament exegesis; New Testament exegesis; English Bible and Biblical theology; systematic theology; church history and polity; homiletics and pastoral theology, apologetics and elocution. Students are required to be graduates of colleges or to pass a prescribed examination. Each professor, upon entering office, is required to publicly subscribe to the standard of the church. There are no distinctions in the faculty except that the senior professor is its chairman. Dr. Marquess thus became the chairman of the first faculty of the institution which was constituted as follows: Rev. William Hogs Marquess, D. D., professor of Old Testament exegesis and of the English Bible and Biblical theology; Rev. Charles R. Hemphill, D. D., professor of New Testament exegesis; Rev. G. D. Witherspoon, D. D., professor of homiletics, pastoral theology and of Biblical instruction; Rev. Francis E. Beattie, D. D., professor of systematic theology and apolgetics; Rev. T. M. Hawes, professor of elocution; Rev. Edward Muller, adjunct professor of church history and church polity. It is interesting to note that the Rev. T. M. Hawes, an accomplished Presbyterian minis-

ter of Louisville, named above, is also professor of elocution in the Southern Baptist Theological Seminary in that city. The present chairman of the faculty is the Rev. Charles R. Hemphill, D. D., a southerner by birth; an accomplished gentleman and minister, who is beloved by all who are in the enjoyment of his acquaintance.

The seminary was first opened on October 2, 1893, a commodious house on Second street near Broadway in Louisville being purchased for it, while another near by was rented and fitted up as a dormitory for students. The Sunday school rooms and Bible class rooms of the First and Second Presbyterian churches were at first used for lecture rooms and for chapel exercises. Three valuable libraries, especially suited to its needs, the gifts of Rev. J. B. Roger, Rev. Dr. Symington and of the heirs of Rev. Stuart Robinson, D. D., furnished the seminary with three thousand volumes as the foundation of a future collection. Twenty-five students were present at the opening, and before the close of the session thirty-one were in attendance, representing nine states of the union and three foreign countries. There has been a continued increase in the number of students yearly as the institution has become more widely known and its influence for good recognized by those of the Presbyterian faith.

Through contributions from many persons, notably from the late Walter N. Haldeman, William T. Grant, and the heirs of the late James Todd of Louisville, the seminary now occupies the most handsome building in Kentucky as its home, located at the corner of First and Broadway, Louisville—a building which attracts the attention of every observant person, and which is in keeping with the high purposes of its use and the fine sentiment of those whose gifts made possible its construction.

The state normal schools were established by an act of the general assembly of 1906. The act authorizing the establishment of a normal school in western Kentucky and one in eastern Kentucky passed both houses of the legislature without an opposing vote. The establishment of normal schools in Kentucky came through the evolution of public opinion. It is doubtful whether legislative history will show where two state institutions were anywhere else established by the same act without an opposing vote in either branch of the legislature. For their establishment every friend of education in Kentucky labored for years. Those who were devoted to the cause of the elementary public schools, especially the rural schools, worked unceasingly for the creation of state normal schools because it was evident that Kentucky's growth depends upon the efficiency of the teachers of the rural schools. Those who had at heart the welfare of the colleges and universities of the commonwealth, worked for the success of the normal school movement because it was evident that the higher academic, professional and technical institutions were prevented from doing the best work of which they were capable because their pupils lacked thoroughness and preparation. College and university men, who were able to see that to have properly equipped teachers in the lower schools meant properly equipped students entering the college with a zeal for learning, were among the most ardent advocates for the establishment of these new training schools for teachers; and so in spite of some opposition from the short-sighted and selfish, Kentucky normal schools have begun their great work of training teachers for efficient service in the schools of Kentucky.

The normal schools were established and are maintained primarily to prepare young people for the teaching service of Kentucky. The purpose of the schools is to train teachers, with special emphasis along the following lines: (1) scholarship; (2) character; (3) teaching skill.

The normal schools are not the exclusive agents for the training of teachers but they are the state's chief agents and, as such, they must build up the professional spirit, establish the standards, create the ideals and send out men and women whose call is to educational leadership. The school demands of those who are to become graduates strength of of character, moral stamina, the ability to stand and count for much in life.

While in session at Maysville, Kentucky, in June, 1904, the Kentucky Educational Association appointed a committee of three to devise a plan for the organization of the teachers of the state into a federation and requested said committee to report its work to the association at Mammoth Cave, Kentucky, in June, 1905. This committee consisted of the following persons: M. O. Winfrey, Middlesboro, chairman; E. H. Mark, Louisville; and J. A. Sharon, Paris. In April, 1905, a large body of citizens and educators, recognizing the backwardness of Kentucky educationally and realizing the importance of concerted action upon the part of the whole people, met in conference at Frankfort in response to a call issued by James H. Fuqua, state superintendent of public instruction. This conference appointed the following persons as a committee, with instructions to meet with the committee of educators appointed at Maysville and, if possible, to form an educational organization embracing both educators and private citizens: Dr. E. E. Hume, Frankfort, chairman; Dr. Burris A. Jenkins, Lexington; Dr. F. W. Hinitt, Danville; Pres., Jas. K. Patterson, Lexington; Supt. Jas. H. Fuqua, Frankfort; Pres. H. H. Cherry, Bowling Green.



Entrance to Mammoth Cave

The foggy appearance in the center of the picture is caused by the cold air of the cave meeting the warmer air outside.

The committees met in joint conference at Mammoth Cave, Kentucky, during the session of the Kentucky Educational Association in June, 1905, and after due deliberation formed the Educational Improvement Commission in the following manner: (First), The joint committee recommended that the

Kentucky Educational Association select a state campaign committee of thirty-three members, three from each congressional district, to serve for a term of one year and outlined the duty of the members of this committee as follows: To co-operate with all influences in their respective districts in the development of a more wholesome educational sentiment among the masses, to visit and address educational associations and teachers' institutes, to aid in the distribution of educational literature, and in the collection of funds for the use of the committee in all matters pertaining to educational conditions in their respective districts, with suggestions as to ways and means of remedying the same;

(Second) It recommended that an executive committee of five members be elected by the Kentucky Educational Association for a term of three years. This executive committee was made custodian of all funds collected with authority to spend the same in the promotion of the purposes above set forth. It was also authorized to act as a legislative committee to appear before the general assembly in the interest of such legislation as affected public education and to direct the work of the officers of the commission. The members of this executive committee as selected at Mammoth Cave consisted of as follows: Dr. E. E. Hume, Frankfort; E. H. Mark, Louisville; J. H. Fuqua, Sr., Frankfort; H. H. Cherry, Bowling Green, and J. A. Sharon, Richmond;

(Third) The joint committee recommended the election by the Kentucky Educational Association of a president, secretary, and treasurer of the commission, these officers to be nominated by the executive committee of the commission and to serve for a term of three years. As a result of the first election Supt. M. O. Winfrey of Middlesboro, was elected president of the commission, and Supt. E. R. Jones of Frankfort, treasurer. As the executive committee was unwilling to make a nomination at that time for secretary, the Kentucky Educational Association, by a unanimous vote, authorized Pres. M. O. Winfrey to act as secretary, which he did for more than two years.

At the first meeting of the executive committee it was decided that no effectual reform in our educational system could be wrought except through those who teach; hence, it was determined to make the first fight for the training of teachers. As a part of the plan looking to this end, a fund of $1,500 was raised by voluntary subscriptions at Teachers' Institutes. Suitable literature was collected and distributed to every corner of the state; speakers were sent to various localities to arouse the people to the importance of local taxation with which to build and equip better houses, pay better salaries to teachers; the press of the state was enlisted in the cause and the commission furnished nearly two hundred papers with educational articles weekly. A legislative committee consisting of the officers and members of the executive committee remained before the general assembly during the entire session of 1906, looking after the interest of various educational bills but giving special attention to the establishment of the state normal schools. A strong sentiment for the establishment of teachers' training schools had been created, and the opening of the general assembly of 1906 witnessed an aggressive public sentiment for this progressive educational move.

On January 9, 1906, the bill creating state normal schools was introduced by Hon. R. W. Miller, of Madison county, in the lower house of the general assembly. This bill appropriated $5,000 for equipment and repairs and $20,000 annually to the school located in the Eastern district, and the same amount to the school located in the Western district for maintenance. The measure was put on its final passage in the house on March 2nd and in the senate, March 9th, and received the

unanimous support of both houses. It was signed by Governor Beckham on March 26th; and, as the bill carried an emergency clause, it became a law at once. On April 5, 1906, the governor appointed the commissioners to locate the two normal schools. Messrs. B. M. Arnett of Nicholasville, John Morris of Covington, Geo. E. Payne of Paducah, Geo. B. Edwards of Russellville, Basil Richardson of Glasgow, E. H. Mark of Louisville, M. G. Watson of Louisa, constituted the commission. These gentlemen met and organized at Louisville, April 12th, with Mr. Arnett as chairman and Mr. Morris as secretary. At this meeting a tentative agreement was reached as to the division of the state into two normal school districts, and invitations were issued to eligible towns to bid for the location of the schools. The most prominent candidates for the location were Bowling Green in the Western district and Richmond in the Eastern district. On May 1, 1906, the locating commission visited Richmond to inspect the site offered by that city; on May 3d they visited Bowling Green to inspect the site offered at that place; and, on May 7th, they met in Louisville and named Richmond and Bowling Green as the homes of the new schools.

Richmond gave to the state, for the home of the Eastern Normal, the buildings and campus of the old Central University, the famous Presbyterian institution which was removed to Danville and united with Center College in 1901. Bowling Green gave to the state, College Square including all the buildings formerly occupied by the old Southern Normal school—a private institution which had built up a large attendance and a strong school organization. In addition to this the private owner of the Southern Normal school presented to the state, without cost, the good will of the institution which at this time enjoyed an annual attendance of about one thousand students and a strong school organization. On May 9, 1906, Governor Beck-



Old Fort, Reservoir Park, Bowling Green

These breastworks were constructed by Gen. Albert Sidney Johnston a short time before the battle of Shiloh.

ham appointed the regents and, on June 2d, they met at Frankfort in joint session and effected organization. On the afternoon of the same day, the regents of the Eastern Normal met and named R. N. Roark, at that time an honorary fellow in Clark University as president of the Eastern school; and the regents of the Western Normal met and named H. H. Cherry, who had for fourteen years been at the head of the Southern Normal school, as president of the Western school. Neither educator was an applicant for the position. The recognition came to both without solicitation.

Immediately following the organization of the schools Superintendent Jas. H. Fuqua at the direction of the regents made formal application to Auditor W. S. Hager on June 13th for the $5,000 appropriated by the general assembly for equipment and repairs. This application was promptly met by the filing of papers enjoining the auditor upon constitutional grounds from the payment of the money. The injunction was filed in the name of R. A. Marsee of Bell county, by Rhorer, Ainsworth & Dawson of Middlesboro, and T. S. Edelen of Frankfort, attorneys for the plaintiff. The injunction was denied by Judge R. L. Stout of the Franklin circuit court on July 20, 1906, and when the question of the constitutionality of the act came before him, it was decided in favor of the schools September 27th. An appeal was taken to the court of appeals on December 18th, which tribunal finally affirmed the decision of the lower court on April 24, 1907. Following the denial of the injunction by Judge Stout, the regents met in joint session at Frankfort, July 25, 1906, and directed the presidents of the schools to proceed at once to their organization. Acting upon the hope that the decision of the court would be favorable, the Normal Executive Council, composed under the law of the state superintendent and the presidents of the two schools, had met in Bowling Green and spent a week in formulating the course of study and outlining plans for the internal organization of the schools. After experiencing many difficulties and much hard organization work, the normal schools opened for student-teachers on January 15, 1907. The Model schools, however, opened earlier in the year.

On June 20, 1907, at a meeting of the executive committee of the Kentucky Educational Improvement Commission, which was held in the parlors of the Capitol Hotel, Frankfort, President H. H. Cherry of the Western Normal introduced the following resolution:

> Be it resolved by the Educational Improvement Commission of Kentucky:—
>
> First, that we invite the governing boards of the State Agricultural and Mechanical College, the Eastern Kentucky State Normal School and the Western Kentucky State Normal School, each to appoint a committee of three of their members to meet with the executive commission at its next meeting to be held in the Galt House, Louisville, during the session of the State Development Association for the purpose of discussing needed legislation looking to the unifying and uplifting of our entire educational system.
>
> Second, that we invite the Federation of Women's Clubs of Kentucky to appoint a committee of three to meet the aforesaid commission at the same time and place and for the same purpose.

The resolution was adopted unanimously and the committees were appointed. The purpose of this resolution was to bring the combined influences of the three institutions and other educational influences together in one unified effort to crystallize a strong educational sentiment that existed in the state into needed school legislation. In line with the above resolution, the executive committee of the Educational Improvement Commission, representatives of the three institutions and the Federation of Women's Clubs, members of the executive committee of the Improvement Commission, and other educators and citizens, convened in a joint session in the parlors of the Galt House during the session of the State Development Association.

After much earnest discussion concerning educational conditions in Kentucky and needed legislation, the joint session adjourned on motion made by Supt. E. H. Mark in order to permit the representatives of the two Normals and State College to hold a conference with a view of harmonizing the educational interests of these institutions. Judge W. T. Lafferty and Mr. Tibbis Carpenter, trustees of the State College, Mr. Phil Grinstead and Judge



Bowling Green from Reservoir Park

J. A. Sullivan, regents of the Eastern school, Mr. J. Whit Potter and Supt. E. H. Mark, regents of the Western school, and Jas. K. Patterson, R. N. Roark, and H. H. Cherry, presidents of the three institutions, were present at this conference. After a careful study of the educational interests represented by each institution and an impartial discussion the following agreement was reported:

"We, your joint committee of regents of the State Normal Schools and trustees of the State College, hereby report the following points of agreement upon matters considered by us:

First: The establishment of a State University of standard grade, by such legislative act or acts as may be necessary in order to transform the State College into such an institution.

Second: The elimination of the Normal Department of State College, as it now exists, and the establishment of a Department of Education in the university, with collegiate rank, leading to the usual degrees of pedagogy as maintained in other similar state institutions.

Third: The gradual elimination of all subfreshman work as part of the university curricula, the same to be brought about as rapidly as conditions now existing and that may be created by legislation hereafter may permit, without violating any existing obligations to appointees to said subfreshman classes.

Fourth: To change the provision for life diplomas to be granted by the State Normal Schools, so that, instead thereof, a diploma will constitute evidence of qualification to teach, during the period required by law for Normal graduates and when legally defined obligations are fulfilled the state

superintendent shall issue a life diploma to such Normal graduates.

Fifth: The joint legislative committee will inspect the three schools, and agree upon just and proper appropriations for the respective institutions and labor together for the passage of acts to their mutual interest."

Before the conference adjourned, a legislative committee composed of Judge W. T. Lafferty, Mr. Tibbis Carpenter, Judge J. A. Sullivan, and Messrs. Phil Grinstead, J. Whit Potter, and H. K. Cole, was appointed to visit the three institutions with a view of studying their specific and imperative needs and of determining the amount of special and annual appropriation each institution should ask of the general assembly.

This committee visited the three schools and made a careful examination of their needs. Sessions of the committee were held at the seat of each institution. At the last session, which was held in the office of the Western Normal, the committee came to the following conclusions:

There is a great body of earnest Kentucky boys and girls, men and women, and a magnificent school spirit in the institutions, but each school is seriously crippled and embarrassed on account of not having sufficient funds. The crying need for additional school buildings, dormitories, grounds, libraries, class-room equipment, additional instructors, etc., is apparent to every member of the committee. In view of the imperative needs of the institutions, the committee should request the general assembly to make a special appropriation of $500,000 and $70,000 annually in addition to the amount they are now receiving, the appropriation to be divided as follows: —$200,000 of the special appropriation to the State University, $150,000 to the Eastern Normal, $150,000 to the Western Normal, $20,000 annually for the State University, $20,000 for the Eastern Normal, and $30,000 for the Western Normal. This agreement was reached by unanimous consent and without being put to a vote.

Before the adjournment of the legislative committee at Bowling Green, it appointed a committee composed of Judge W. T. Lafferty, Judge J. A. Sullivan and President H. H. Cherry to draft a bill and to embody in it the points of agreement and to meet with Hon. J. G. Crabbe, the newly elected state superintendent of public instruction, on December 26, 1907. The meeting was held in the Normal building of State College. The state superintendent, after suggesting many valuable changes, gave the bill his unqualified endorsement and put the State Department of Education behind it. This bill, making a special appropriation of $500,000 and $70,000 annually to the three institutions, was introduced by Judge J. A. Sullivan of Madison county, who was chairman of the Agricultural and Mechanical College and the State Normal School Committee. The bill passed both houses with a good majority.

Following the meeting of the general assembly of 1908, the Board of Regents purchased the new site of the Western Normal, including one hundred and sixty-three acres of land and the Potter College grounds and buildings. A more magnificent site could not have been found in the state. The grounds of the new site are located west of the city, and a great educational plant is being laid out for the Western Normal. The regents of the Eastern Normal were more fortunte in having a larger amount of land upon which to build the Eastern Normal. They are developing a modern plant upon the grounds of the old Central University.

Dr. Ruric N. Roark, the first president of the Eastern Kentucky State Normal School and a great educational leader who took a pioneer interest in the establishment of state normal schools, was taken suddenly and seriously ill early in the spring of 1909 and died within a few weeks. He was president of the Eastern Normal for almost three years and, during this time, rendered the state and the institution a highly efficient and patriotic service. He died while in the harness and while fighting for the children of Kentucky. He gave his life in order that the children of

Kentucky might have life and have it more abúndantly.

Dr. J. G. Crabbe, who, at the time of the death of Dr. Roark, was state superintendent of public instruction, was unanimously elected president of the Eastern Normal, and is at this time ably serving the state in that capacity. President Crabbe was not an applicant for the position.

Georgetown College is located in Georgetown, Scott county, and it has been claimed it is on the site of the first permanent settlement north of the Kentucky river. In November, 1775, John McClelland and a few others came down the Ohio river from Pittsburg and, after wandering through northeastern Kentucky, finally stopped and built a cabin in the vicinity of what is now Georgetown, near a great spring which they called the "Royal Spring." This spring, now known by the simpler and more descriptive title of the "Big Spring," is one of the features of Georgetown today. The town, by act of the Virginia legislature in 1790, was named in honor of the first president of the United States.

Georgetown College was founded January 15, 1829, and was the first collegiate institution of the Baptists south and west of the Alleghenies to receive a charter, and the fifth in order among the Baptist colleges established in the United States. The college was incorporated by the Kentucky legislature under the name of the "Kentucky Baptist Education Society." In the same year the Rittenhouse Academy, founded in 1798 at Georgetown and in the enjoyment of a state grant of 6,000 acres of land, transferred all of its property, real and personal, to the trustees of the new Education Society for the benefit of Georgetown College. At the same time, Issacher Pawling placed at the disposal of the trustees the sum of $20,000 for the benefit of the college and to this good man may be given the distinction of being the real founder of the college. And he was not a rich man either, as riches went in those days. The citizens of Georgetown supplemented Pawling's gift with $6,000 which had been subscribed to secure the location of the college.

The first president of the college was Rev. William Stoughton, D. D., of Columbia College, Washington, D. C., who died while preparing to assume the duties of the position. Stephen Chaplin of Washington and Irah Chase of Newton, Massachusetts, were respectively the second and third choices for presidents each, in his turn, declining to accept the proffered honor. On June 21, 1830, Dr. Joel S. Bacon, of Massachusetts, was chosen as president and accepted. The academic department was presided over by Charles O'Hara as principal, and was attended at the opening by forty-three pupils. A mathematical class in the college had for its teacher, Thornton F. Johnson of Virginia, professor of mathematics and the first member of the college faculty chosen by the trustees, the title of his chair being "professor of mathematics, natural and experimental philosophy and the French language." The salary of each of the several professors was $800 per annum; that of the president $1,500, the latter's chair being known as the "Pawling Chair," in honor of the first benefactor of the college.

Dr. Bacon only remained president of the college about two years, on account of a lack of funds. From 1832 until 1836, the college was without a head, being managed as a private institution by Thornton F. Johnson. In 1836 Rev. B. F. Farnsworth was chosen as president, but resigned during the same year after an unsuccessful effort to place the institution on a sound financial basis. In October, 1838, Rev. Rockwood Giddings became president, but died October 29, 1839, and was succeeded by Dr. Howard Malcolm, who remained in office until 1850 when he retired impelled thereto largely by the arising of

political conditions with which he was not in full sympathy. Notwithstanding the Compromise measure of 1850, the question of slavery was not settled and the political atmosphere was already filled with the muttering thunder of the storm that was to break upon the country in 1861. The next president was Dr. J. L. Reynolds, of South Carolina, who, being a southerner, was probably in close political accord with those who controlled the college or supported it with their patronage. He retired at the end of two years and was succeeded by the Rev. Duncan R. Campbell, D. D., who entered upon the discharge of his duties in 1853, and proved to be one of the most energetic, tactful and efficient presidents the college has ever had. He remained in office until his death in 1865, having secured a subscription of $100,000 for the institution as an endowment fund. Of this amount one half was collected and invested by the trustees. The remainder, carried along for a number of years in the form of personal bonds and pledges, was swallowed up in the whirlpool of the war which carried down many a southern institution and brought financial ruin to many a home. Misfortune thus rendered many donors unable to meet their obligations and the college was obliged to cancel them.

Dr. Campbell was succeeded by the Rev. Nathaniel M. Crawford, who resigned in 1871 owing to ill health, being succeeded by the Rev. Basil Manley, D. D., who continued in office until 1879, when he resigned to resume his connection with the Southern Baptist Theological Seminary whence he had come to Georgetown.

Rev. Richard M. Dudley, D. D., succeeded Dr. Manley. He was a native Kentuckian and had graduated from Georgetown College in 1860, being the first alumnus of the institution to reach the high dignity of the presidency. He remained in office until his death, January 5, 1893, a period of thirteen years—a longer term than any of his predecessors had served. The college was very successful financially and otherwise, during his administration. He was succeeded by Rev. Augustus C. Davidson, D. D., a graduate of the college in the class of 1871 who resigned after six years service. He was succeeded by Professor Arthur Yager as chairman of the faculty, who subsequently became president of the college, which position he holds at this time (1911).

The college has been richly endowed since the war by some of its alumni and others interested in the educational cause and its funds are safely invested. One writing of the college several years ago said: "The immediate outlook for Georgetown College is highly encouraging. In its past achievements and in the character of its graduates is found inspiration for the future. The increase in the attendance of students, the expansion of the course of study, the recent growth of the endowment, the new buildings and enlarged faculty and better facilities generally, all these are signs of progress,"

The Kentucky Military Institute, located at Lyndon, eight miles from Louisville, was founded near Frankfort, Kentucky, in 1845 by Col. R. T. P. Allen, a graduate of West Point in the class of 1834. This institution was incorporated by an act of the legislature in 1847, according to the terms of which act it was placed under the control and direction of a board of visitors appointed by the governor of Kentucky who is ex-officio, an inspector of the school. The superintendent, faculty and cadets are constituted a quasi military corps, the officers being commissioned under the seal of the commonwealth and being responsible to the board of visitors for the faithful performance of their prescribed duties. The institution has always been really a private enterprise, its only relation to the state being that the latter furnishes the military equipment and assumes supervision over

its military organization. Colonel Allen was connected with the management of the school from its foundation until 1874, except that he severed his relation in 1848 for a short time and again from 1854 to 1865, during which time he was at first engaged in educational enterprises in Texas, and later, served in the Confederate army with distinguished gallantry as a colonel of infantry. From 1851 to 1854 Col. E. W. Morgan, also a graduate of West Point, was associated as joint proprietor with Col. Allen, and in 1855 became sole proprietor and conducted the school successfully until the opening of the War between the States, when most of the students being from the south, left to join the Confederate army in which many of them rose to high positions by reason of their previous military training. The departure of these young men resulted in the closing of the school until 1865, at which time Colonel Morgan retired and was succeeded by Colonel Allen, the founder, who was soon surrounded by a larger number of students than had ever before been in attendance, there being 166 cadets in 1866-7 and 177 in 1867-8. Colonel Allen, by reason of advancing age, retired in 1874, and was succeeded by his son, Col. R. D. Allen, a graduate of the school in 1852. He remained as superintendent until 1887, when he was succeeded by Col. D. F. Boyd, a graduate of the University of Virginia, and a teacher of many years experience. At the outbreak of the war, Colonel Boyd was a professor in the Louisiana Military Institute, one of his associate professors being William Tecumseh Sherman, who subsequently won high military distinction in the Federal army. In 1893, the school suspended operations on the resignation of Colonel Boyd and was closed until 1896, when Col. C. W. Fowler, an alumnus of the class of 1878, took charge and removed it to the present location at Lyndon, where he has since successfully conducted it. An unique feature of this school is that it spends its winters in Florida and its early spring and fall sessions in Kentucky. It is believed that no other school in the United States holds its sessions in two such widely separated states as Kentucky and Florida.

There are many other institutions of learning in Kentucky, most of which have been successful in their efforts to give proper training to the young women and men of the state. Among these may be mentioned South Kentucky College at Hopkinsville, chartered in 1849 for the education of girls only, John M. Barnes being the first president. In 1879 the plans of the college were broadened and in addition it became a coeducational institution and has continued so. The college though meeting many troubles, including losses by fire, has done a great work for many years, practically without endowment. If some of the many wealthy men of the splendid county of Christian would leave behind them enduring monuments, they would endow this modest but useful college.

Bethel College, at Russellville, is the result of a desire of the Baptists of the state to supply the educational needs of the southern and western portions of the state. The first principal was Rev. B. T. Blewett, who came from Georgetown College to raise funds and put the proposed institution on its feet. It was modestly known at first as Bethel High School, but subsequently attained the well-deserved dignity of Bethel College, under a charter granted by the legislature in 1856. The first session of the new college was attended by 150 students. Earnest friends of education gave of their means and soon the college was prosperous. Then came the war and the college, like everything educational in the state, suffered and barely managed to exist.

President Blewett resigned in 1861 and the college was closed until 1863, when it was reopened under the presidency of Rev. George Hunt, who resigned in 1864 and was succeeded by J. W. Rust, A. M., who success-

fully conducted Bethel Female College at Hopkinsville for many years, before and after the time of his coming to Russellville. His administration of Bethel College, lasting about three and a half years, was a prosperous one in the history of the institution, which, soon after the beginning of his term of office, began to almost equal its best days prior to the war. Failing health compelled Professor Rust to resign on February 1, 1868. He was a man of practical judgment, of tireless energy who, dying, left behind him something more precious than monuments, thousands of young women and men whose education had come from his friendly ministration. There is no higher avocation than that of the faithful teacher and this Professor Rust was from the days of his young manhood until those of the sere and yellow leaf of life in which he passed to his reward.

Professor Rust was succeeded by Noah K. Davis, LL. D., who resigned in 1873 to accept a chair in the University of Virginia, and was succeeded by Professor Leslie Waggener, an alumnus of the class of 1860, who served as executive officer until 1877 when he was elected president, retiring in 1883 and being succeeded by Rev. W. S. Ryland as chairman of the faculty. In 1869 he was elected president of the college, holding that position until June, 1898. In 1898 Rev. E. S. Alderman was elected president. He subsequently resigned to reenter the ministry. The president at this writing (1911) is F. D. Perkins.

Berea College was at one time the most unique institution in the south, for the reason that its students were of the two races, white and black, who enjoyed equal educational facilities without distinction of color. Its founder was Rev. John G. Fee, a native Kentuckian, whose ideas as to slavery were in line with those of Gen. Cassius M. Clay, the imperious and fearless Abolitionist whose story has been told elsewhere in this work. Mr. Fee had graduated from Augusta College and Lane Theological Seminary, and had entered the ministry of the Presbyterian church, but at the end of two years withdrew from that denomination because he was not in accord



Bethel Female College, Hopkinsville

with it on the slavery question. Upon the invitation of General Clay, he established Berea church in Madison county, and around this church grew Berea College in 1855. The American Missionary Society lent the college financial aid and was in a sense a co-founder with Mr. Fee. The school prospered, and in 1869 had 301 students and seven teachers. The constitution of the institution declared that "this college shall be under an influence strictly Christian, and, as such, opposed to sectarianism, slave-holding, caste and every other wrong institution or practice." The aim of the institution, it was claimed, was to reach two classes of students, the poorer white people of the eastern part of the state and the colored element of the other portion. These two elements came to it in large numbers and commingled without regard to color. This was objectionable to the very large majority of the people of the state and the legislature enacted a law prohibiting coeducation of white and colored students. The college authorities denied the constitutionality of the law and appealed to the courts of the state, but were defeated in the lower as well as the court of appeals. The cause was taken to the supreme court of the United States, where the law was again sustained. The two races were separated and the work continued, with no one to protest against it.

Science Hill school at Shelbyville for the higher training of girls was founded March 25, 1825, by Mrs. Julia Tevis and her husband, Rev. John Tevis, of Kentucky Conference of the Methodist Episcopal Church. It is quite proper that Mrs. Tevis' name should be mentioned first in this connection, for, although her husband was associated with her for some time in conducting the school and rendered efficient services in its behalf, yet the main burden of the enterprise, even from its inception, was borne by Mrs. Tevis and to her is to be attributed the largest share of its success. She also conducted it alone for many years after Mr. Tevis' death. It has been well said that "few institutions were so entirely the work of one mind and hand." The school has always been and still is purely an individual enterprise, for, although nominally placed under the care of Kentucky conference as early as 1829, the conference has never had any part in its management nor has it ever contributed anything to its support.

In its early days there was some prejudice against the higher education of women, but so narrow-minded a view could not endure and was in time overcome. After having been in operation for twenty-five or more years, during which time the reputation of the school was second to none other in the south, there were at times as many as 300 young women in attendance as students. Not even the war could stop its onward progress and it never suspended during the four years of that struggle, though the attendance was reduced owing to many of its students having formerly come from the south.

Mrs. Tevis remained in the school and largely guided its fortunes until just before her death in 1880, with the assistance of her son, Dr. B. P. Tevis. On the fifty-fourth anniversary of the founding of the school its proprietorship was transferred to Rev. W. T. Poynter, D. D., who died July 30, 1896, since which time the institution has been successfully conducted by Mrs. Clara M. Poynter who had been associated with her husband in its control.

The list of colleges in Kentucky is too lengthy for detailed mention of each. To give to each the space demanded would be a pleasant task to anyone who cares for the proper training of the youth of the state, but there are limitations which must be recognized even in writing histories. Therefore those institutions which fail of extended and detailed notices are omitted, not because of any unworthiness on their part, but because of their number. Clinton College at Clinton, a Bap-

tist school of a high order, gives to young girls and boys an excellent training for the duties of life. Ogden College, at Bowling Green, owes its useful existence to the beneficence of Major Robert W. Ogden, who, in his will, left the sum of $50,000, "or so much thereof as may be necessary," to be used "in the purchase of suitable grounds and the erection thereon of appropriate buildings, in or near the town of Bowling Green, Kentucky, to be dedicated and devoted to the education therein of males or females, young men or young women, as my executor or executors may elect." The college has been successfully conducted for many years. Its buildings and grounds are valued at $40,000, while its productive funds are about $120,000. Union College at Barboursville, Knox county, is the adopted college of Kentucky conference of the Methodist Episcopal Church North, in contradistinction to the Methodist Church South, an anomalous distinction which leads to strange wondering by those who do not understand why politics and religion should enter into the churches. The college owes its existence largely to the efforts of Rev. Daniel Stevenson, D. D., who from 1863 to 1867, was superintendent of public instruction in Kentucky. The foundation year of this college was 1886, since which time it has done a good work to the great advantage of the section of the mountains in which it is located. The one who was the chief contributor towards purchasing the property; who was afterwards largely instrumental in supplying the pressing needs of the college by meeting deficiencies in its current expenses and who laid the foundation of its endowment, was Mrs. Fannie Speed, of Louisville.

Loretto Academy, an institution for the education of girls, has the honor of being the first institution founded for the higher education of women in the Mississippi valley, with a continuous existence to the present time. Its beginning was a little school opened on Hardin's creek, in Marion county, by Miss Anne Rhodes, early in 1812. She was soon joined by Misses Mary Rhodes, Nellie Morgan, Christine Stuart and Anna Havern, and these five young women became the nucleus of a Catholic sisterhood, a religious order for the education of young ladies. The order is known as the "Sisters of Loretto, or the Friends of Mary at the Foot of the Cross." The school was meant to provide for the education of the rising generation in what was then a wilderness, and its foundation was encouraged by Bishop Flaget, the first Catholic bishop of the west including Kentucky.

The high purposes of its foundation have been ever kept in mind, and Loretto has sent from its walls thousands of well-trained young women.

Nazareth Academy, in Nelson county, was almost contemporaneous with its neighbor, Loretto, and like it is under the care of the Catholic church. It was founded in 1814, through the efforts of five young women, to give educational training to the children of the sturdy pioneer farmers. Their efforts not only led to the forming of an academy, but to the founding of the order known as the "Sisters of Charity of Nazareth." Nazareth has graduated many young women and its good educational work continues.

Logan Female College, at Russellville, has long furnished a high mental training to the daughters of Logan county, and may be said to have been founded in 1846 by William Wires who, in that year, opened a school in Russellville for the training of boys and girls in the higher branches. Out of this school grew the college. The institution, like many another of its kind, met vicissitudes, but in its dark hours help always came and it was saved to do the good work for which it was founded. Its first graduating class in 1861 numbered but two, but there was a steady increase and now more than two hundred hold diplomas from this college.

Millersburg Female College was opened about 1850 by Col. Thornton F. Johnson, who had for a number of years previously presided over the Western Military Institute at Georgetown, Kentucky, and later at Blue Lick Springs. An interesting feature of this institution is found in the fact that one of the faculty was a fine young Pennsylvanian who not many years later came to be known as the magnetic speaker of the national house of representatives, and who, in 1884, was the defeated candidate of the Republican party for the presidency of the United States—James G. Blaine, of Maine. Mr. Blaine did not accompany Colonel Johnson to Millersburg, but the latter had the assistance of three sisters, the Misses Stanwood, and to one of these (Miss Hariett Stanwood) Mr. Blaine was subsequently married.

For a time, under other control, the college was co-educational; later it was a mixed common and high school. In 1859, the school was made exclusively female and, as such, has since continued. In 1878 the principal buildings were destroyed by fire, but not a single day's exercises were interrupted by this calamity. New quarters were rented and the school's affairs proceeded as though nothing very unusual had happened. New, larger and better buildings were erected and the school went on its successful and useful course. It was a good school in the beginning and is a good school today.

Sayre Female Institute, at Lexington, owes its existence to the munificence of David A. Sayre of that city for whom it was named. It was organized November 1, 1854, its first principal being Rev. H. V. D. Nevins. A charter was granted with power to confer collegiate degrees, March 10, 1856. The board of trustees is self-perpetuating, and includes the mayor and city judge of Lexington as ex-officio members. The property of the school can never be used for anything else than the education of girls, and all its income must be used either to increase its facilities for such instruction or to add to the number of its beneficiary pupils. A moderate rate of tuition is charged by the school for its benefits, in the case of most of its pupils, but it offers a free scholarship to one pupil from each of the public schools of Lexington each year, and, besides this, grants gratuitous instruction to many deserving students. Its course includes all grades from a primary department to collegiate work of standard compass. It is conducted under Presbyterian auspices, although non-sectarian in management. Under the capable management it has always had, Sayre Institute has always enjoyed a high standard of usefulness and exerted a wholesome influence in behalf of an excellent standard of scholarship. The financial foundation granted to it by Mr. Sayre places before it the prospect of widening and extending its influence for good in the future.

Caldwell College, at Danville, that long-time center of high education, was first opened in the fall of 1860, after the public spirited citizens of that town had generously subscribed to its founding. The opening of the school was unfortunate, as the war coming soon after deprived it of southern patronage and it was closed for a time. It opened after two years and began what promised to be a long and useful existence, but was compelled to again suspend by the misfortune of having the collegiate building destroyed by fire in April, 1876. The ground upon which the building had stood was divided into lots and sold, and, with the money thus obtained, new buildings were erected and the college reopened in 1880; since which time it has had a prosperous and useful career.

Hamilton College, at Lexington, originally called Hocker Female College, after its founder, was opened in 1869 by Mr. James M. Hocker, who announced that he had for years cherished the purpose of consecrating a large portion of his time and means to the "up-

building of an institution for young women, founded on Christian and scientific principles." The college is now and has been for most of its life, under the auspices of the Christian church and has a great and useful work in the educational field.

Other female schools of lesser degree, but all of them useful, are the Jessamine Female Institute at Nicholasville, Stanford Female College at Stanford, and Owensboro Female College at Owensboro.

Before leaving the subject of education, it should be stated, for the enlightment of those persons in other states who are blinded by prejudice, that the colored schools in Kentucky receive the same per capita from the state fund for their support that is paid to the support of the schools for white pupils. It is probable that in no other state in the union are found as excellent school buildings for colored pupils as are to be seen in the cities and towns of Kentucky; and these are the result of taxation upon the property of the white people, as the colored people pay a comparatively small portion of the taxes devoted to education or to other purposes. The rural schools for white and for colored pupils—always separate—are not what they should be in many instances, but there is an awakening in this respect among the people—thanks to the efforts of the good women of the state more than to any other influence—and the reproach of inadequate school buildings is soon to be removed.



Christian County and Hopkinsville High School, Hopkinsville

CHAPTER LVII.

KENTUCKY WOMEN IN POLITICS—TRAVELING LIBRARIES IN THE MOUNTAINS—IMPROVEMENT OF RURAL SCHOOLS—SCHOOL SUFFRAGE FOR WOMEN—PRESERVATION OF FORESTS.

The author desires no credit to which he is not entitled; if, indeed, he be granted any for the character and matter of this history. For this reason, he states that the chapter was, at his request, written by Mrs. Madeline McDowell Breckinridge, of Lexington, Kentucky, an accomplished grand daughter of the only "Great Commoner," Henry Clay. Mrs. Breckinridge says:

"Since the women of Bryan Station first carried water to those early Kentuckians within the fort who were already presumably supplied with the mint and other accessories necessary to withstand a siege of the Indians, Kentucky women have done their full part, not only in every crisis of the state's history but in the humdrum and exacting routine of every day. The first formal recognition of the services of these Bryan Station women to their country, it is true, waited to be made by their own sex more than a hundred years afterward. But a male historian of Kentucky now asks that credit be given the women of Kentucky of the present day and generation for the work they are doing for the betterment of their state, and it is a pleasure to lend a hand in giving this credit.

"The majority of Kentucky women today are engaged, as from the beginning of the state's history her women have been engaged, in that silent, inconspicuous, exacting and most important work which the United States census lists as "no occupation"—the work of making the homes for the men of the race; bearing, rearing and nurturing the children; the ceaseless work of the wife, mother and housekeeper.

"But of late years the women of Kentucky have realized the truth of Bernard Shaw's aphorism that 'Politics is not something apart from home and the babies; it is home and the babies.' All unconsciously, by such slow degrees that it has shocked neither themselves nor the community, women in Kentucky have gotten into politics; so we are told by those whose strong desire is to keep women and politics as far apart as possible—not that they love women more, but that they realize that the end of "politics" in its present unsavory sense is already begun when women begin getting into it.

"Kentucky, which in many ways in the last years has brought up the rear of the column in the list of states and territories, can now boast that in some things she is first. She has obtained practically the first compulsory school law and the first juvenile court law of any southern state; actually the first Bureau of Vital Statistics; and in the fight against tuberculosis, now on in earnest, has put into the work the first Field Secretary engaged by any state in the Union. Much legislation of which the state may be proud has been obtained either by the direct effort of women or as a result of their continued agitation. The Consumers' League and the Child Labor Committee have obtained Child Labor laws and better protection for men and women in indus-

try. The Equal Rights Association, with aid from the Woman's Christian Temperance Union and other women's organizations, can put to its credit the securing of property rights for women, culminating in the eminently just Husband and Wife bill of 1894; the co-guardianship bill secured in 1910, giving mothers an equal right in their children with fathers; the raising of the age of protection for girls; the establishment of houses of reform for juvenile offenders; a law requiring women physicians for the women's wards of the sex.' They have usually formed the public sentiment that has demanded advanced legislation, have taken the initiative in getting this legislation, and have been prominent in the work of every local community for its enforcement. The result of women and men working together in the last few years has so far rescued Kentucky from her former backward position and set her forward in the friendly rivalry of the states that the truth of Kentucky's motto, 'united we stand; divided we fall,' has again been demonstrated.



Western Kentucky Asylum for the Insane

State Asylums for the Insane. Due to the exertions of women, a number of institutions of higher education, formerly open to male students only, are now co-educational. A dormitory for women students has been erected at the State University, a department of domestic science established, and a Dean of Women added to the faculty. In all the work of recent years for the preservation of health, for the protection of childhood and for education, Kentucky women have done not only their share but much more than the half which might be expected of the 'weaker

"The principal work of women in Kentucky has very naturally been along the line of educational endeavor. They have worked for the most part inconspicuously through the old and familiar channels. In the mountains of Kentucky, where, before the creation of our normal schools and in the absence of railroads or wagon roads, the public schools had done little to insure the education of the people, the churches have done valiant work with such resources as they have been able to command from private individuals and from their church organizations. It is almost superfluous

to say that in the founding and maintenance of the many excellent church schools in our mountains the greater part of the labor, the brains, the sinews of war, has been furnished by women. The Christian Woman's Board of Missions maintains two excellent schools for day and boarding pupils at Hazel Green and at Morehead, Kentucky, in which more than seven hundred pupils are listed. Schools are maintained by the Methodist, Baptist, Presbyterian, Episcopal, and practically all of the denominations, at which hundreds of young men and women are obtaining good elementary educations, and in some cases what might be honestly defined as the higher education. A notable educational effort is the Woman's Christian Temperance Union Settlement School at Hindman, Kentucky, where about five hundred pupils are gaining not only the education of the books but, even more important, education in the domestic arts, in home-making, housekeeping, farming, care of the sick and prevention of disease. More than seven hundred pupils, for whom accommodation cannot be provided, are on the waiting list of this school.

"It is impossible to touch upon all of the activities of different groups of women for the betterment of the state in recent years. Perhaps the best that can be done is to tell in some detail of the work of an organization embracing some nine thousand women—the Kentucky Federation of Women's Clubs.

"Fourteen years ago the Federation began its first educational work when it established traveling libraries in the mountains of Kentucky. Beginning with six cases of books, the work has grown until the last report made to the Federation showed that ninety-four cases, containing about 5,800 volumes, were circulating in twenty-nine mountain counties, and in these counties there are practically no other libraries; in most of them no railroads, and the wagon roads are practically impassable during the winter months. A little library of books is sent to some custodian whose fidelity has been ascertained, that she may act as librarian for her neighborhood. Occasionally the library is kept in a schoolhouse, a 'church house,' a postoffice, or country store, but more often in the dwelling house of some woman who snatches an occasional moment of reading in the duties of caring for a large family. The appreciation and eagerness of the people was touchingly shown a few years ago when Miss Rawson, the chairman of the Federation committee, made a trip of several hundred miles on horseback visiting the libraries and librarians. They were everywhere fearful that the libraries might be taken from them. When the books are all read in any given library, or a lessening of interest is noted, that library is sent to headquarters to go forth on other missions, and one taken from some other field is sent in its stead.

"The work has finally assumed such proportions and the demands made upon the Federation chairman of libraries have been such that she felt justified in demanding of the legislature that the state should take up the work and offer relief to the Federation committee. It is gratifying to record that a bill was passed at the session of the legislature in 1910 creating a State Library Commission, which will not only carry on the traveling library work but will further in every way the establishment of free libraries in Kentucky and the training of librarians. By instruction of the legislature, the commission must always include a representative of the Kentucky Federation of Women's Clubs. Governor Willson showed his good judgment by appointing not one, but three representatives—Miss Fannie C. Rawson of Louisville, chairman for the last eight years of the traveling library work; Miss May Stone of Louisville and Mrs. Anita Flournoy of Paducah. Miss Rawson is known not only in Kentucky but throughout the south for her magnificent work in the establishment and maintenance of schools and

for social betterment through the Woman's Home Missionary Society of the Methodist Church South. The traveling library work of the Federation has been supplemented in the last few years by a concerted effort of the clubs to supply school libraries to the rural schools in all parts of Kentucky, and by carefully prepared reports of the existing library situation in Kentucky. Free libraries have also been obtained, chiefly by the exertion of clubs of the Federation, in Versailles, Nicholasville, Lawrenceburg, Paris, Shelbyville, Lexington and other towns.



Carnegie Library, Shelbyville

"In 1906 the Federation, shocked by facts gleaned from the reports of the United States commissioner of education as to Kentucky's low educational status, embarked upon a plan for improving the rural schools. The establishment of the School Improvement League was decided upon as the best means for accomplishing the end. A trained organizer was brought from another state and the work entered into in earnest. At the end of two years and a half the chairman of the Education committee, Mrs. R. N. Roark, then acting president of the Eastern Normal School of Kentucky, was able to report that one hundred and ten of the one hundred and nineteen counties had been organized. Under the County Leagues hundreds of local district leagues were carrying on the work. As a result of the efforts of these neighborhood organizations, thousands of dollars have been raised; schoolhouses have been cleaned and repaired, yards have been planted and beautified, books, pictures, manual training tools, play grounds and school gardens have been added. But better than all this, the conscious effort of the Federation has been realized. There has been awakened a public sentiment for education that has demanded and passed, and is now enforcing, better school laws both in the country and in the city, and that has produced a tremendous increase in local taxation for schools.

"In 1907 a prize of eight hundred dollars was offered by the Federation to the rural school that would do the most to make of itself a model school. Some of the desiderata suggested were consolidation of school dis-

tricts, grading of pupils, manual training, domestic science, a school garden and a play ground. The school in Owsley county which won the prize can boast that it has realized each one of these suggested improvements, and that it has called forth a spirit of generosity and public service on the part of elders and of young people rarely seen in Kentucky. The inspiration of the contest has been felt in many counties. A member of the Education committee of the Federation helped to draw the County School Board law under which we are now acting. The Federation did its full part in securing the passage of this law and lent a hand also in securing the State University and Normal School appropriation laws of 1908. In recognition of the work done by the Federation, the legislature of 1908, in providing an educational commission to follow up the work of the County School Board law by revising all the state educational laws, instructed the governor to appoint upon it a representative of the Federation.

"As a natural result of the knowledge collected by the women of the Federation as to school conditions in Kentucky and of their earnest effort to better these conditions, has come a movement to obtain the school suffrage for Kentucky women. No woman of the Federation intends to abate the efforts she is making to improve the schools of Kentucky through the indirect means now at her hand. But she realizes that the direct means of casting a vote for much needed local taxation, to elect fit persons as school trustees, or when holding office as a trustee to secure efficient teachers, must also be used by her if educational progress is to be made with reasonable rapidity. It is proof of the earnestness of her effort in behalf of the schools that she has not been frightened away from this goal by the bugaboo of 'getting into politics,' but has bravely gone to two legislatures with her petition. Though it has been balked each time by the clever tactics of a few representatives from the cities who desire to retain the schools as a political asset, she will go again to another legislature and is confident that in 1912 the people of Kentucky—in fact, even the men of Kentucky, leaving women out of account—will demand that their legislators accede to her reasonable request.

"A committee of the Federation, of which Miss Lilla Breed is chairman, has done excellent work in the interest of pure food legislation, and to bring about better sanitation in many ways throughout the state.

"A notable effort of the Federation has been in the interest of forestry preservation. A committee, of which Mrs. Mason Maury of Louisville has been for a number of years the able chairman, has continually carried on a propaganda for increased knowledge and public sentiment on the subject. Legislation advocated by the Federation has unfortunately as yet been rejected by legislatures, but there is little doubt that at another session the capstone will be put to the Federation's efforts by the passage of a forestry bill embodying the four essential points demanded by the Forestry committee: a State Board of Forestry; a technically trained forester; a state forest reserve; and county fire wardens. Mrs. Maury is the author of a book entitled 'Our Native Trees,' which was published by the Federation in 1910 and presented to every club in the state and to every member of the legislature. It is beautifully illustrated with photographs of noble Kentucky trees. Kentucky having no state forester to prepare such a manual, and the state not being ready to supply to her people free, as other states have done, this information as to their native trees, Mrs. Maury, and the Federation, by the preparation, publication, and distribution of this volume, have done a splendid service to the State. A bill making blue grass the state flower and the tulip the state tree, advocated by the Forestry committee, has yet to be passed by the legislature. Mrs. Maury's book

is a notable achievement, and the continued educational work carried on by the Forestry committee is producing a sentiment that will eventually force laws for the preservation of forests in Kentucky.

"It is impossible to tell here in detail of the work of Kentucky women, or even of the women of certain organizations, in the founding and maintenance of hospitals, orphan asylums, Rescue Homes for girls; such institutions as the Home for Incurables or the Kentucky Children's Home Society for which state appropriations have been obtained; tuberculosis sanatoria and dispensaries; visiting nurse associations, societies for the organization of charity; or of their work for city cleaning and beautification, for parks and play grounds for children; for the introduction of kindergartens and of manual and industrial training; or for the preservation and marking of historic sites. Suffice it to say that, if by some horrible catastrophe all the women of Kentucky, on whose shoulders now partly rest the many institutions and movements for the amelioration of human conditions in existence in the state, should be suddenly withdrawn from 'public affairs' the social structure embraced in those two words would be likewise in danger of sudden and horrible collapse.

"It is not within the province of the present sketch to name the Kentucky women who of late years have contributed to the field of literature stories, poems and essays of which Kentucky may well be proud. The present writer has tried to sketch only such joint action of women as may be properly classed as public work, in that it is in the interest of the whole commonwealth."

CHAPTER LVIII.

THOMAS TINSLEY, PIONEER PREACHER—SEVERN'S VALLEY BAPTIST CHURCH—METHODIST PIONEERS OF THE WORD—FIRST ANNUAL METHODIST CONFERENCE—BISHOP ASBURY—PRESBYTERIANISM FOUNDED—THE EPISCOPALIANS—KENTUCKY FULLY PROTECTS CATHOLICS—FATHERS WHALEN AND DE ROHAN—REV. STEPHEN T. BADIN—FIRST PERMANENT ASSISTANT—WORK OF FATHER AND BISHOP FLAGET—BISHOP DAVID AND THE SEE OF LOUISVILLE.

Among the first of those who came to Kentucky to face the fierce savage and the stern ordeal of pioneer life, there were not lacking ministers of the gospel—some of them, perhaps, impelled by the same fierce desire to improve their condition in life by taking up land, as were their lay brothers whom they accompanied. Daniel Boone's brother, Squire Boone, whose story has hitherto been told, was a Baptist preacher, but as there were no other white men in Kentucky at that time than himself and his brother, it is not probable that he indulged in much preaching to a congregation of one. He and his brother found themselves so busily engaged in looking after their temporal safety that there was little time left for spiritual affairs. To the late Rev. J. H. Spencer's "History of Kentucky Baptists" the author is indebted in large part for the following statements in connection with the Baptist church, in the early history of the state.

The first Baptist preacher known to have been in Kentucky, except Squire Boone who came before any settlement was made, was Thomas Tinsley. Beyond the fact that he was in Harrod's Station and was regularly preaching there on Sundays in the spring of 1776, but little is known of him. William Hickman, who visited the station at this time and who afterwards became an eminent preacher among the early Baptists of Kentucky, in a narrative of "Life and Travels," says: "We got to Harrodsburg the first day of April. (Year not stated). Myself, Thomas Tinsley and my old friend, Mr. Morton, took our lodgings at John Gordon's, four miles from town. Mr. Tinsley was a good old preacher, Mr. Morton a good pious Presbyterian, and love and friendship abounded among us. We went nearly every Sunday to town to hear Mr. Tinsley preach, I generally concluded his meetings. One Sunday morning he laid his Bible on my knee and said to me, 'You must preach today,' saying that if I did not, he would not. I knew he would not draw back. I took the Book and my text and spoke perhaps for fifteen or twenty minutes, a good deal scared, thinking that if I left down any gaps he would put them up. He followed me with a good discourse, but never mentioned any blunders." How delightfully sincere and simple-minded these good men of that early day were is plainly shown in the above extract, and in those few words is found about all that is known of Thomas Tinsley, the first Baptist minister who ever preached in Kentucky, or,

as far as is known, in any part of the great west. At what time he came to Kentucky or whence he came is not known.

Much interest has been felt and much inquiry made as to which is the oldest church in Kentucky and what was the date of its constitution. In 1825 Rev. Spencer Clack, an accomplished scholar and at that date a member of Simpson's Creek church in Nelson county, now the Bloomfield church, was clerk of the Salem Baptist Association, which body, fearing that its minutes would be lost if not put in more permanent form, made the following order: "The clerk is requested to make out a condensed history of the association and present it at our next meeting." Mr. Clack prepared the report, from which the following is taken: "On Saturday, October 29, 1785, four regular Baptist churches met at Cox's creek, Nelson county, by their delegates, in order to form an association, and after a suitable sermon on the occasion preached by Rev. Joseph Burnett, proceeded to business, Joseph Burnett being moderator and Andrew Paul, clerk. Letters from four churches were read: Severn's Valley, constituted June 18, 1781, no pastor; Cedar Creek, constituted July, 1781, Joseph Burnett, pastor, number of members not stated; Bear Grass, constituted January, 1784, nineteen members, John Whiteacre pastor; Cox's Creek, constituted April 17, 1785, with twenty-six members, name of pastor, if any, not given."

The late Samuel Haycraft of Hardin county, a born historian, a member of the Severn Valley church and a contemporary of several of those who entered into its constitution, published a history of the church in 1857 in the *Christian Repository* in which he states that it was constituted June 18, 1781, as above stated, under a green sugar tree about a half mile from the present limits of Elizabethtown. Among the original members were Joseph Vanmeter and his wife Letty, their son Benham and Hannah, his wife, and three colored persons, Mark, Bambo and Dinah, servants of Joseph Vanmeter. How strange this will appear to those persons who, in other days, imagined that colored people in the southern states were reckoned along with horses, mules and cattle by their owners.

Among the early members of this church were many distinguished citizens of whom may be named John LaRue, in honor of whom the county of LaRue was named; Robert Hodgen from whom the county seat of LaRue, Hodgenville, received its name; General Duff Green, afterwards of Washington City, and Thomas Helm, grandfather of Governor John L. Helm, and great-grandmother of Hon. George H. Yeaman and Rev. W. Pope Yeaman, and other distinguished citizens. "Of the descendants of the original members of the old church," says Mr. Haycraft, "many able ministers have gone forth to declare to the multitudes the blessed message that gladdened the hearts of their ancestors amid the toils and dangers of the savage-infested wilderness."

Mr. Haycraft, a grandson of the Jacob Vanmeter above mentioned, further writes of these early churches. "There are facts and circumstances connected with the early history of the church with which the present generation is little acquainted. When this present widespread and favored country was a wilderness; when not a human habitation was to be found between Louisville, then called the Falls of the Ohio, and Green River, save a few families who had ventured into Severn's Valley, a dense, unexplored forest, and commenced a rude settlement far from the haunts of civilized man, there the lamented John Garrard, a minister of God, came like John the Baptist, 'the voice of one crying in the wilderness,' and finding a few of the disciples of the Lord, like sheep without a shepherd, they were collected together into what was afterwards known as Severn's Valley church.

It has ever borne the same name, none having dared and it is hoped never may, to lay impious hands upon it by changing its venerable name."

Collins states that the first Baptist church was organized in 1781, known as Gilbert's Creek Church at Craigs Station, a few miles east of the present site of Lancaster in Garrard county, but does not give the month and day as does Mr. Haycraft in his sketch of Severn's Valley church; so that is impossible at this date, one hundred and thirty years later, to say which is correct.

Of this early period Smith says in the "History of Kentucky." "After the close of the American Revolution, a flood of Baptists poured into Kentucky, chiefly from Virginia, and churches began to spring up everywhere in the wilderness. It was still a time of great peril. Before houses of worship were erected, the worshipers would assemble in the forest, each man with his gun and sentinels would be placed to guard against surprise from the Indians, while the minister, with a log or a stump for his pulpit and the heavens for a sounding board, would dispense the word of life and salvation." And they dispensed it with no sparing hand, tradition stating that some of their sermons occupied nearly two hours in their delivery. The author, in his boyhood days, at a country church has known the services to begin at eleven and continue until one o'clock or later; and he had to sit in the church and appear to listen, or later take what was sure to come to him. Those of today in the city churches, who object to a sermon more than twenty-five minutes in length, have no idea what they have missed by not having been born and reared in the country much more than half a century ago.

"In 1790 there were three Baptist Associations in Kentucky, forty-two churches and 1,311 members. In the population of 7,500, in round numbers, there was about one Baptist to twenty-three persons. To minister to the spiritual needs of the people there were forty-two ordained ministers and twenty-one licentiates. . . . This venerable church soon stretched its arms all through eastern Kentucky and exerted a wide influence for good from Kentucky river to Cumberland Gap. . . . The history of this church has been imperfectly written but its influence is engraven upon hundreds of prominent names in the Baptist denomination in Kentucky. Three important stations in the neighborhood of Boonesborough were founded by its members, and but few events occurred affecting the welfare of the state, south of the Kentucky river, in which they did not participate."

The Methodist Episcopal church, with that missionary spirit which has characterized it from the days of Wesley to the present, turned its eyes early to the Kentucky field and, in 1786, of the five new circuits added to what might be termed its General Conference, Kentucky was one of these and thus six years before the district became a state, the Methodist itinerants were in the forest wilds on their holy mission. The first two of these who came in 1786 were James Haw and Benjamin Ogden. The first named of these remained for five years, afterwards going to Tennessee, where he subsequently withdrew from the Methodist and joined the Presbyterian church, in which he continued preaching until the time of his death years afterwards. Benjamin Ogden preached for a time in Kentucky after his coming in 1786, but was later transferred to the Cumberland circuit in middle Tennessee. He died at Princeton, Kentucky, in 1834, having been for nearly fifty years a minister. These two, Haw and Ogden, were the first Methodist ministers sent to Kentucky by a conference, but they were not the first Methodist ministers to come to the then western frontier.

"In 1784," says Smith, "a local preacher by the name of Tucker, while on his way with his kindred and companions, descending the

Ohio in a boat to Kentucky, was attacked by Indians. Mortally wounded, by his bravery and presence of mind, he rescued the boat and his comrades, among whom were the women and children and then fell on his knees and died, shouting praises to God. But as early as 1783, Rev. Francis Clark, accompanied by John Durham, a class leader and others of his neighbors with their families, left Virginia and settled in Mercer county. He organized the first class in the far west about six miles from Danville and appointed John Durham as its leader. Clark stands pre-eminent as the founder of Methodism in Kentucky."

The first annual conference of the Methodist church in Kentucky assembled at Masterson's Station near Lexington, May 15, 1790, and was presided over by Bishop Asbury. Accompanying him were Richard Whatcoat, who was afterwards to become a bishop, Hope Hull and John Leawell. Asbury, the first bishop who had ventured into the western wilds, was guarded throughout his journey from Virginia, by a volunteer company composed of the Rev. Peter Massie, John Clark and eight others. On the tenth day after leaving Virginia the party reached Lexington in safety, though much worn by the hardships of the journey across mountains and streams and through the pathless forest. Bishop Asbury afterwards said of this journey: "I was strangely outdone for want of sleep. Our way was over mountains, steep hills, deep rivers and muddy creeks, a thick growth of weeds for miles together and no inhabitants but wild beasts and savage men. I slept about an hour the first night and about two the last. We ate no regular meals, our bread grew short and I was much spent." He relates that on the way he saw the graves of twenty-four persons in one camp, who but a few nights previously had been murdered by the Indians. To those who know of the thousands of Methodists found today in the state, it will seem strange to know that the conference over which Bishop Asbury, at risk of his life, had come to preside, was composed of but six persons: Peter Massie, James Haw, Wilson Lee, Francis Poythress, Barnabas McHenry and Stephen Brooks. There was preaching at noon and night, some were converted and others who had wandered from the fold were restored to fellowship. Three elders were ordained, plans for a school to be called Bethel were arranged, and three hundred pounds in money and land subscribed for its founding.

Bishop Asbury, whose name is revered to this day, was born in England; was early converted, began holding meetings at seventeen years of age and at eighteen was preaching. He was sent by Mr. Wesley to America when he was but twenty-six, and at Baltimore, in 1784, was unanimously chosen a bishop.

In 1783, there came to Kentucky Rev. David Rice, the founder of Presbyterianism in the west. He was an earnest Christian man, well fitted for the arduous duties of a pioneer. Zealous in the cause of the church and its twin, the cause of education, he at once became a popular member of the small community with which he had cast his lot. Public-spirited as a citizen the people sent him as a delegate to the convention which met at Danville in 1792. His course in the convention which framed the first Constitution of Kentucky, was marked by his earnest efforts to bring about the abolition of slavery, in which he was unsuccessful. What might have been the result had he succeeded! Perhaps Virginia would have followed in the footsteps of her first-born, and after her others of the southern states, until the curse of slavery would finally have been lifted from the land and the horrors of internecine war avoided. Mr. Rice was an earnest, dignified, good man and did more than any other to bring the Presbyterian church into prominence in the state. His great labors ceased

only when he had reached the advanced age of eighty-three years, dying in July, 1816. He was followed by other earnest, good men, who kept alive the fires which he had lighted.

In 1786, the Presbytery of Transylvania, which recalls Colonel Henderson's futile efforts to found a state under that name, met at Danville—the first Presbytery ever assembled in the district of Kentucky, there being twelve Presbyteries represented and five ministers present. These latter were Reverends Rice, Rankin, McClure, Crawford and Templin.

The question of who first held religious services in Kentucky is yet a mooted one, nor does its solution particularly affect the then religious status of the frontier, but the journal of Col. Richard Henderson dated Sunday, May 25, 1775, notes the following: "Divine service, for the first time in Kentucky, was performed by the Rev. John Lythe of the Church of England." It is supposed that Colonel Henderson meant on the date of the entry in his journal. This is fairly conclusive evidence as to the date of the first service, and whether it be correct or not, it is to the credit of the early settlers that, in the midst of almost daily alarms and incursions of the savages, they could and did find time for worship. Colonel Henderson further says of a great elm tree at Boonesborough: "This divine tree, or rather one of the many proofs of the existence from all eternity of its Divine Author, is to be our church and council chamber. Having many things on our hands, we have not had time to erect seats and a pulpit but hope by Sunday sennight, to perform divine service in a public manner, and that to a set of scoundrels who scarcely believe in God or fear a devil, if we are to judge from the looks, words or actions of most of them." Those who have formed opinions unfavorable to Colonel Henderson by reason of his efforts to establish the new state of Transylvania, may be led to revise them on learning that he was what might be termed a "blue-stocking" Presbyterian. That he had no exalted opinion of many of those whom he met at Boonesborough is evident from the vigorous quotation from his journal, above given. That he was possessed of an intimate acquaintance with the strength of English language cannot be doubted—a characteristic still inherent in his amiable and excellent descendants yet to be found in Kentucky.

It does not appear that Mr. Lythe remained long in Kentucky; perhaps the vigorous description of some of the people at Boonesborough, as given by Colonel Henderson, may have been an impelling reason for his early departure.

The first settlers in Kentucky, coming for the most part from Virginia, were either Baptists or members of the Episcopal church with, of course, some from other churches and perhaps, a large number from no church. Marshall says in his history of the state: "There were in the country, and chiefly from Virginia, many Episcopalians, but these had formed no church, there being no parson or minister to take charge of such. This very relaxed state of that society may have been occasioned by the War of the Revolution, which cut off the source of clerical supply, derived then mainly from Great Britain. There remained, even in Virginia, a real deficiency of preachers. Education is, with this fraternity, a necessary qualification for administering both the affairs of church and state."

The first Episcopal church was founded in 1794 at Lexington, but there was not organized a parish until 1809. Marshall relates that after the Revolutionary War, a flood of atheism swept over the country and that skepticism or an indifference to religion prevailed even among the educated classes. The effects of a long period of warfare are not limited to the horrors of the battlefield or

the excesses of the camp; they live after the strife has ceased. Men become careless of life in the midst of war and from this carelessness grows that other and more serious carelessness which affects the soul's welfare. The long and weary struggle of the Revolution, cutting off from home life and early influences its participants, naturally led them to look upon the serious affairs of the present and the future with eyes which had little of seriousness in them.

The intention of the author to take no credit other than his due, for aught that appears in this volume, leads to the statement that the following article relative to the early status of the Catholic church in Kentucky, was prepared, at his request, by the Rev. Thomas J. Jenkins of New Hope, long a respected priest of that denomiation:

"It was Daniel Carroll, of Dudington, Maryland, of the same lineage as Charles of Carrollton, and Rev. John Carroll, future prefect-Apostolic and first bishop, who, in the debate on Articles of Confederation in the first congress, forced the hand of Virginia and other landed states 'to surrender lands (west of the Alleghanies) to congress to become independent states and members of the Union.'

"John Fiske's 'Critical Periods of American History' asserts that, 'had it not been for the stand taken by Maryland on this question, the Union would not have been founded.' That part of old Fincastle county, Virginia, which became Kentucky county, was thus opened to settlement.

"The English stock of Catholics in Maryland, crowded out of their native domain by repeated narrowing of state lines, had another potent reason, at the eve of the Revolution, for emigration. Religious tolerance, though granted by the Bill of Rights, 1776, 'still provided, that the legislature might, at its discretion, lay a general and equal tax for the support of the Christian religion.' Considering that the Anglican Established Church was the one recognized by the letter of the state law, dissenters and colonial Catholics still feared for their religious liberty. It was, indeed, but a few years, when the foreseeing knew that the sumptuary law was a dead letter; the colonists only breathed easily after 1791. The articles of the Kentucky constitution, ratified eight years later, gave Catholics security.

"Wm. Coomes' family and Dr. Hart, with a small contingent of Catholics, joined Harrod's party of forty, who descended the Kentucky river to found Oldtown (now Harrodsburg) in 1774. Ten years later, Coomes and Hart removed close to Bardstown 'to be near their Catholic brethren.' Concerning this date, 1784, we are justified in planting a new starting post, by the researches of John Gilmary Shea, and recent publication (1907) of three series of letters, principally of Father S. T. Badin and Bishop Flaget, from originals in the archives of Quebec and Baltimore.

"The late Senator B. J. Webb and Bishops Spalding, senior and junior, abide by the tradition that Rev. Charles Whalen and William de Rohan, both of Irish extraction, were respectively the first priest and the original builder of the log church at Holy Cross; that Rev. Mr. Whalen arrived in 1787, and William de Rohan succeeded him in 1790—constructing the first church in 1792.

"Dr. John Carroll, then ecclesiastical superior of English Missions in the United States (letter to Cardinal Antonelli, February, 1785) writes: 'Before I received your Eminence's letter, there went to those Catholics (living in territory bordering on the river called Mississippi) a priest, German by birth, but who comes last from France; he professed to belong to the Carmelite order; he was furnished with no sufficient testimonials that he was sent by his lawful superiors. What he is doing and what the condition of the Church in those parts, I expect soon to

learn.' This priest is certainly identified as Rev. Paul de St. Pièrre, chaplain in Rochambeau's army, who was in Baltimore, early in 1784, applying to Dr. Carroll for 'faculties' for the Kentucky missions. Dr. Gilmary Shea coincides that this authorization had not yet been obtained; but the impatient apostle (as Father Whalen did later) set out from Fort Pitt (Pittsburg) in the winter, and arrived at Shippingport (Louisville) in February, 1784. He wrote to Dr. Carroll, that from his residence near one Raphael Lancaster in Bardstown he intended to visit the Catholics in Kentucky several times a year.' We know no particulars of his stay for about a year:—he is found in the Illinois missions, 1785-7. This ex-Carmelite is known to have exercised his ministry also in Louisiana for a length of time, and was much praised. He precedes Father Charles Whalen by two and a half or three years. If neither built a church, did not the Rev. Mr. Whalen find in the fall of 1787, the one constructed of logs by William de Rohan at the foot of Rohan's Knob? To prove this date impossible, and its contradictory, 1792, nearer the probable truth, will be found a knotty problem.

"Doctor, now Bishop John Carroll,. consecrated at the same period as the Episcopal bishop, Madison, in August, 1790, and returning home December 7th, writes shortly after: 'The Capuchin, Whalen, left his numerous congregation in Kentucky, composed of emigrants from Maryland, while I was in England. They are now without a priest, excepting a rambling Irish one, to whom I refused "faculties" *several years ago*. I am anxious to obtain a good one for the poor souls there, who are in general virtuous, and some of them eminently so.' 'Several years ago' cannot mean less than three, or the year 1787; and, unless we admit that these virtuous people, some of eminent piety, would have stooped to accept the leadership of de Rohan in building their first church, when he could not licitly administer the sacraments, it seems probable that Holy Cross church must have been erected in the early half of 1787, and not five years later, (1792). This reiterated assertion of John Gilmary Shea, repeated by Bishop O'Gorman ('American Church History,' Vol. IX, p. 285) is consistent with Father Badin's letter, in 1799, to the effect that Father Barrière had sent de Rohan a chalice and breviary. He might yet read 'Office and Mass.' Badin's diary letters, 1793 to near 1800, negatively support the above historians, by never mentioning a new Holy Cross church.

The violence of the French Revolution resulted in driving to American shores the real founders of the English missions in this commonwealth—then just admitted as a state (1792).

The estimated three hundred families in Kentucky had no permanent shepherd until Rev. Stephen Theodore Badin, the first priest ordained in the United States (May, 1793) arrived at Maysville, Kentucky, in the Advent of that year, accompanied by Rev. M. Barrière as vicar-general. They walked sixty-five miles to Lexington, and said their first mass at Dennis McCarthy's house—Father Badin riding to White Sulphur, sixteen more miles, the same day, to give mass to the congregation in Scott county. Here he remained eighteen months. Rev. Mr. Barrière attended the Bardstown missions, but is convicted of serving them and helping Father Badin only four months.

"The 'league of sixty families' from Maryland started their first quota of twenty-five families in the early spring of 1785. They marched inland from Maysville—avoiding the 'Falls of the Ohio' for fear of murderous Indians—to Goodwin's Station, now Boston, as the nearest safe point to the first settlement on Pottinger's creek.

"Six principal settlements were thus divided: (1) Cox's Creek and Beech Fork, which took in Bardstown, Nazareth and St. Thomas; (2) Pottinger's Creek, which em-

braces Holy Cross, New Haven, New Hope, Chicago and Gethsemane; (3) Hardin's Creek, which includes St. Charles, St. Mary's, Loretto and St. Francis Xavier's at Raywick; (4) Cartwright's Creek, which is made up of St. Rose, St. Catherine's, St. Dominic at Springfield, and the two churches at Fredericksburg, and Manton; (5) Rolling Fork, which covers the territory of Calvary, Holy Mary, St. Bernard in Casey county, and St. Augustine's in Lebanon; (6) Woodford, or Scott county, including Lexington and White Sulphur. The second band of immigrants came on the heels of the first, but chose the region about St. Mary's, Loretto, Raywick, and east of Kentucky river, Scott county. In 1787 more numerous accessions came to Bardstown and Springfield to join the Lancasters, Coomes' and Harts, with a smaller contribution of some fifteen Irish families on lower Cox's creek. Ten years later, 'many Irish families were scattered here and there in Tennessee,' as Father Badin reports. In eight following years, 1787-95, the pioneers spread over the present sites of Calvary, Lebanon, Fairfield, and Casey county; and finally, as far inland as Hardinsburg and parts of Breckenridge county. The emigration parties from St. Mary's, Prince Edward and St. Charles counties, in Maryland, and Loudon county, Virginia, kept flowing toward Kentucky almost continuously, as late as 1825-6, when they practically closed their movements. All authorities on the subject and subsequent civil records, with baptismal and marriage registers, are at one in the testimony that the whole body of Catholic pioneers, with the slight exceptions above noted, were of one nationality—English fused with Welsh. Their remote ancestors of the Saxon and Briton stock had kept the faith for nigh a thousand years; resisted the temptations and persecutions of the sixteenth; finally fled from the Independents and Cromwellians in the seventeenth, and, at last, their American sons gained complete civil and religious liberty in Kentucky in the eighteenth century.

"Reverting to their sole surviving pastor and founder, Father Badin, in his three series of Archive letters, proved himself the sterling, and, if rigid, tireless missionary. A man of brains and fruitful resources, he straightened out the scattered groups of his fifteen hundred to sixteen hundred people in the two states of Tennessee and Kentucky, and made excursions into Indiana. The forlorn Frenchman, thus single-handed, from his thirty-second to thirty-sixth year, received aid at last from Mr. M. Fournier, 1797-1803, and Fournier's friend, the brave Anthony Salmon, who perished in the cold of the winter of 1799. By this latter year, Rev. John Thayer, a convert from Boston, long heralded, came to the relief of the suffering Scott county mission. Of him, the senior Bishop Spalding records that 'though four years in Kentucky, he devoted but two to missionary labor.' What occupied the other two, Badin frankly relates: 'He intended to appropriate the church land and presbytery with two negroes for three years' service; then (gigantic plans!) he should make them a foundation of nuns, and set the slaves at liberty. Also he enervates the authority of masters over the negroes; gives vent too freely to his political opinions. This imprudence may be an obstacle to the success of his ministry among Protestants. I recommended trustees never to divert public property to private interests.' The 'pious and zealous' Puritan convert spent some twenty years, afterwards, in England and Ireland, especially at Limerick, whose poor he served heroically. (Letter of Rev. Simon W. G. Bruté de Rémur, 1826).

"The practical, hard-headed Badin thus eked out eleven years, with fitful assistance, until the joyous coming of his first permanent assistant, Rev. Mr. Chas. Nerinckx, future founder of Loretto. Meanwhile, in

the last letter of the Archives, dated October, 1799, Father Badin broaches the foundation of a bishopric, from which 'he could see many advantages would arise to the Church. Many Catholics, even far grown in years, had never received the sacrament of Confirmation. Religion would acquire more firmness and respectability. But,' he adds prophetically, 'he would be almost a mendicant bishop, as I have been really a mendicant priest.'

The solitary pastor's people in Kentucky had now increased to three-fold the number he had found on his arrival ten years before. He had thus not only forty-five hundred souls in the developing missions at home, but was compelled to attend the priestless flock in Indiana, and all Tennessee into the bargain, as we shall see him do alone and in the company of Mr. Nerinckx. His habitual motto: 'I look for no repose in this life,' had more than ever a literal meaning:—he lived in the saddle. His resource for the instruction of the swarms of children and no small contingent of slaves, in his twenty stations, was his corps of catechists, picked men and women in each neighborhood, who taught Christian doctrine and oral Bible history, reading the Gospel and Epistle with the mass prayers on Sundays. The negro was happy because cared for, given his rights in the Christian homes, and admitted to religious education on equal footing with his master's family. He has thriven, and his race is now as numerous in the Church as Badin's whole flock.

"The Rev. Mr. Nerinckx, who had arrived in July, 1805, was another waif driven like the Kentucky Dominicans, out of the Netherlands by the successful French. Now, in his forty-fifth year, gigantic in bodily strength and rugged in health, he joined Father Badin at St. Stephen's—no home to either, indeed, but merely a point of departure on their endless circuit. Opportunity was now given to provide the yet churchless faithful with rude houses of worship. Four more, besides the log structure at Holy Cross, Marion county, came into use by the strenuous direction and labor of the Belgian pioneer, who could wield the 'handstick' against any two of the stout back-woodsmen. The five were increased to ten Catholic churches, and the last, a second Holy Cross, was actually built of brick. The wrought-iron figures, 1823, yet stand boldly out on the front of the surviving and substantially sound relic. Marion county was provided with four, Breckinridge with two; and one church each in Nelson, Hardin, Mercer, Adair and Grayson counties in the western half of the state. The congregations, generally assigned half to each priest, were supplemented by stations, 'scattered,' (writes Bishop M. J. Spalding) 'over the whole extent of Kentucky.' Afterwards, Father Nerinckx made two charity trips to Europe, and, besides money, plate and vestments, procured half of the invaluable paintings in the Bardstown and Louisville cathedrals.

"'Tis a curious relic of the French origin of many of the early Kentucky missionaries, and their fellow countrymen, in Shippingport, that instead of being addressed, either orally or by writing, as 'Father', their title was a literal translation of 'Monsieur,'—Mister! Thus 'Father Badin, all through his extant correspondence, from 1793 to 1852, (the year before his death) calls his colleagues. In the last letter of 1799 to Rt. Rev. Dr. Carroll, then in his tenth year as bishop of Baltimore, he sends a message sealed, to Rev. Mr. Flaget. Him Father Badin constantly thereafter, in his letters of the following century, proposed and insisted upon as the proper candidate for the bishopric of the Middle West. 'The See of Bardstown,' writes J. Gilmary Shea (Vol. II, p. 618,) 'seemed due to Father Badin, who had done so much of the pioneer work in Kentucky; but his extreme severity had made him unpopular:'—and this the frank old hero afterwards more than half endorsed.

"Benedict Joseph Flaget, native of Billom, quite in the centre of France, had scarcely arrived six months before in America, in company with Father Badin and Rev. John B. David, when he was assigned to duty in southern Indiana, at Post Vincennes. Thence he wrote four days before Christmas, 1792: 'The church, I found a very poor log building, open to the weather and almost tottering.' The congregation, of several hundred souls, proved indifferent to his native French exhortation, for he could muster 'only twelve who approached Holy Communion during the Christmas.' He toiled, as only a French missionary will do at twenty-eight years of age, for the two years, 1793-4; but his health broke down, and he was recalled to aid his Sulpitian brethren, in St. Mary's Mother Seminary of Baltimore. Flaget's fourteen years of nearly unbroken work, in teaching candidates for the priesthood and in ministering to the simple faithful in Maryland, familiarized the future bishop with the language and dispositions of the very stock of people, who for thirty-five to forty years had been emigrating to his prospective diocese. At the age of forty-four, and the twentieth of his ordination, the mature missionary was preconized bishop of Bardstown April 8, 1808. Two years of frightened reluctance precede his consecration by Archbishop John Carroll, November 4, 1810. A perilous and toilsome journey, by land and water, from the 4th of May to June 9th, the next year, brings him first to Bardstown; 'a town like your New Jersey,' he writes a friend, 'of 150 families, of which scarcely three are Catholics.' Posting on to Priestland, on the site of Loretto convent, two days later, the wearied pontiff is installed at an altar, improvised under the primeval forest, hard by St. Stephen's, surrounded by the vicar-general, Father Badin, John B. David, M. Savine, Charles Nerinckx, Mr. Guy Chabrat, a priest (?) called Chas. Herinsky, and three seminarians. Rev. Henri Pratte, a Canadian, joined the bishop's forces some years later. The diocese of Bardstown had, with the ordination of Mr. Chabrat at St. Rose convent, six secular and four religious priests—Rev. M. Savine having been set to work at Kahokia, Illinois. With the two brick churches, St. Rose, Springfield, and Danville, Kentucky, there were eleven churches and twenty-four stations, in which nearly six thousand souls were estimated as the Catholic population.

"Bishop Flaget and Father David lost no time in occupying the 400-acre farm of St. Thomas, donated, this first year, by Thomas and Ann Howard. Priests and seminarians joined in the work of erecting the primitive log seminary and the nearby first convent of Nazareth. The log was replaced by a brick seminary, adjoining the yet surviving brick church of St. Thomas, finished in 1816. Whilst David and Nerinckx were instituting their native orders of Sisterhood, Nazareth and Loretto, the Bishop busied himself in starting his subscription for the cathedral at Bardstown. Flaget's letter of January, 1812, states that Catholics had already signed $6,000, and the generous non-Catholics of his episcopal town 'subscribed almost entirely by themselves' the sum of $10,000. The cathedral of St. Joseph, yet standing in pristine splendor, dates its consecration from August 15, 1819. This being followed closely by the episcopal consecration of Rt. Rev. John B. David, did not prevent the two bishops from residing in the new seminary, now transferred from St. Thomas to the town. The two institutions produced under David's teaching, forty-seven priests, from first to last, half of whom were of the Maryland-Kentucky immigrants.

"The new communities of religious women, all of the same lineage, had in 1820, eighty Sisters—Nazareth, twenty, Loretto, sixty. Dominican Sisters formed the third community, two years later. Nineteen churches, manned

by ten or eleven priests, serving 10,000 people in 1815, grew according to Bishop Flaget's report (January, 1826) to fourteen log and ten brick churches, with twenty-two priests and 18,000 souls. In 1821-2, two of the famous colleges of the south were founded: St. Mary's College by Rev. Byrne, and St. Joseph's, Bardstown, by Rev. Geo. A. M. Elder. Secondary education had claimed the attention of the Dominicans of Springfield as far back as 1809—the college of St. Thomas of Aquin, surviving for ten years.

"Bishop David, sixty-five years old, had been partly relieved as pastor and professor by the Propaganda scholar, Dr. F. P. Kendrick, some five years before the young Martin J. Spalding entered the seminary in 1826. The bright Kentuckian, Spalding, admired his elder compeer, Rev. Robt. A. Abell, whose fame as an orator had spread east and west. Hon. B. J. Webb never wearied in recounting the doughty deeds of this Father Abell, 'Uncle Bob,' who became the first resident pastor of Louisville, building the second St. Louis church in 1830, to accommodate numerous accessions to his people, 'almost wholly of Irish immigrants.' At just the date of Dr. Martin Spalding's return from Rome, 1833-4, an interchange of positions between Bishops Flaget and David caused the appointment of Rt. Rev. Guy Chabrat as coadjutor. In Bishop Flaget's absence of four years, Chabrat blessed old St. Boniface as the first German church in the city, of a congregation formed in 1836. The year 1841 was the last of good David's eighty fruitful years. Bishop Chabrat was simply a 'misfit'; and on his retirement to France a few years later, Father Spalding, risen to vicar-general, took over the administration of the diocese. Meanwhile, on Father William Byrne's death, in 1833, the Jesuits were settled at St. Mary's College, where they remained for thirteen years; taking up, two years later (1848), under Bishop Spalding, St. Joseph's College. Senator Ben. J. Webb founded the *Catholic Advocate* in 1835, and was connected with that periodical and *The Guardian* for forty or more years.

"The history of the further development of the See of Louisville, made possible by the later immigration of the present great majority of the members of the Church, the Germans and the Irish, belongs but slightly to the story of the See of Bardstown. Bishop Martin John Spalding's consecration in 1848 closed one period and opened another, with a Catholic population of 30,000 souls served by forty priests in fifty-three churches and chapels."

CHAPTER LIX.

PRIOR TO THE 1890-1 CONVENTION—CONSTITUTIONAL CONVENTION PROCEEDINGS—CONSTITUTION OF KENTUCKY.

When the constitution of Kentucky, adopted in 1849, was made, it contained an article designedly intended to render difficult any effort to amend or change that instrument. At that period the slavery question was in an acute stage; delegates to the constitutional convention had advocated the abolition of slavery; Cassius M. Clay was thundering against it and was by no means without a following which, though small in numbers, was wholly in earnest. Henry Clay's efforts in congress which resulted in the Compromise measure of 1850, following the adoption of the new constitution, served to stay for a short time only the gathering storm which his militant namesake foresaw and welcomed. The new constitution fixed slavery upon the state irrevocably, as the mistaken men who formed it vainly thought. There was a force greater than constitution-makers coming in the near future which was to be a constitution breaker, in a sense, and not all the cunning schemes of statesmen could for a moment withstand the men behind the guns. When the war had closed and slavery had died, men of reason and a sense of justice saw the necessity for a change in the organic laws of the state recognizing the new era which, whatever their views of its propriety might be, was fixed and irrevocable.

The legislature of 1871-2 passed a stringent law against the confederating of two or more persons to injure the person or property of another. This was generally known as the anti-Kuklux law, though, as a matter of fact, that organization never had a foothold in Kentucky where there was no need for its peculiar operations, whatever may have been the necessities of the States further south. The few outrages occurring in Kentucky were the result of a desire for private vengeance on the part of men of neither personal standing nor responsibility. As has been stated elsewhere, the first men indicted under this new statute were convicted and sent to prison and since that time, it has been seldom that the officers of the law have been called upon to enforce the penalties of the statute.

In the days of slavery, neither a slave nor a free colored person was a competent witness in a Kentucky court of justice. The same legislature which enacted the anti-Kuklux law repealed the prohibitory statute as to negro testimony, and since that time negroes have been accepted as witnesses without restriction. In numerous instances they have served as grand and petit jurors. Notwithstanding these facts, it was unlawful, contrary to the constitution, for a negro to cross the line from another state into Kentucky, and there were other archaic provisions in that instrument which it was desirable should be revised or eliminated. The best-informed people saw this plainly, but the constitutional barrier against a change was so strong that repeated efforts to assemble a constitutional convention, failed to receive a convincing vote. Finally a vote favorable

to the proposition was secured and, in accordance with the demands of the exasting constitution, the question was a second time submitted to the voters of the state, and affirmatively answered. The legislature of 1889-90, in accordance with this expression of the popular will and the requirements of the constitution, ordered the election of one hundred delegates to be chosen in the several legislative districts, who being thus selected, were to meet in the capitol at Frankfort on the 8th day of September, 1890, to so amend



Court House, Louisville

or change the old constitution as to them might seem proper.

The necessary elections were held on the one hundred legislative districts of the state, and the delegates thus chosen assembled in the house of representatives on Monday, September 8, 1890. Among these delegates were some men of distinction admirably adapted to the high duties incumbent upon them. Of certain others, it is at least charitable to state that they might better have been allowed to remain at home in the midst of the constituents who had mistakenly chosen them. To invidiously select the competent from the incompetent is a task from which the author excuses himself. It is enough to say that, as is usual in the selection of men for legislative or kindred duties, there were some chosen who apparently had special interests to represent, while there were others who took advantage of their high position to wreak private vengeance, when opportunity presented or they could invent it.

When the convention assembled it was called to order by the Hon. Simon Bolivar Buckner, governor of Kentucky, who had been wisely chosen as their delegate by the good people of his native county of Hart. Sitting as another delegate was the late J. Proctor Knott who, after an illustrious career of many years in congress, had served a term as the faithful and honored governor of Kentucky, and who as the delegate from Marion county, held his last public position.

George Washington, a kinsman of the first president, was chosen as temporary chairman of the convention. In presenting him to the convention, Governor Buckner said:

"Gentlemen of the convention: I have the pleasure of presenting as your temporary chairman, the Hon. George Washington, of Campbell county, whose name is sufficient to indicate the patriotic purpose which has led to his selection."

The permanent organization of the convention was as follows:

President, Cassius M. Clay, Jr., of Bourbon.

Secretary, Thomas G. Poore, of Hickman.

Assistant secretary, James B. Martin of Barren.

Reading clerk, James E. Stone, of Breckinridge.

Reporter, Clarence E. Walker, of Louisville.

Sergeant-at-arms, Robert Tyler of Bullitt.

Doorkeeper, Richard T. Haley, of Louisville.

Janitor, Todd Hall, of Clark.

This constitutional convention will long live in history as the most loquacious body that ever assembled in the state, yet the debates were, in the main, conducted by a comparatively small number of the delegates. It required twenty-five pages of the index to the debates to record the number of speeches and motions made by one single delegate; half as many for another, and so on and on, until one is bewildered in attempting to realize the extent of the patience of the less talkative delegates, who sat in their seats and helplessly endured the ceaseless flow of what can be termed eloquence only by a strain upon the imagination. But all things earthly must have an end and the convention, after filling with its debates four large volumes, numbering, with the index, 6,480 pages, finally adopted a constitution which was ordered submitted to the people for their approval or disapproval, and on Monday, September 28, 1891, one year and twenty days after assembling, adjourned sine die.

The popular vote on accepting the new organic law was largely in its favor, the majority over those opposing adoption being in round numbers 130,000.

As perhaps not more than ten voters in each thousand of that large majority had ever seen the new constitution at the time of voting for its adoption, or since that time, an official copy of that instrument is inserted here, with its excellencies and its crudities, in order that the reader may conclude for himself whether or not the new instrument is worth what it cost to make it, and what it has continued to cost the state by reason of its provisions in relation to the matter of taxation.

CONSTITUTION OF KENTUCKY.

PREAMBLE.

We, the people of the Commonwealth of Kentucky, grateful to Almighty God for the civil, political and religious liberties we enjoy, and invoking the continuance of these blessings, do ordain and establish this Constitution.

Bill of Rights.

That the great and essential principles of liberty and free government may be recognized and established, We Declare that:

Section 1. All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned:

First: The right of enjoying and defending their lives and liberties.

Second: The right of worshiping Almighty God according to the dictates of their consciences.

Third: The right of seeking and pursuing their safety and happiness.

Fourth: The right of freely communicating their thoughts and opinions.

Fifth: The right of acquiring and protecting property.

Sixth: The right of assembling together in a peaceable manner for their common good, and of applying to those invested with the power of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Seventh: The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.

Section 2. Absolute and arbitrary power over the

lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.

Section 3. All men, when they form a social compact, are equal; and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services; but no property shall be exempt from taxation except as provided in this Constitution; and every grant of a franchise, privilege or exemption, shall remain subject to revocation, alteration or amendment.

Section 4. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, happiness and the protection of property. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may deem proper.

Section 5. No preference shall ever be given by law to any religious sect, society or denomination; nor to any particular creed, mode of worship or system of ecclesiastical polity; nor shall any person be compelled to attend any place of worship, to contribute to the erection or maintenance of any such place, or to the salary or support of any minister of religion; nor shall any man be compelled to send his child to any school to which he may be conscientiously opposed; and the civil rights, privileges or capacities of no person shall be taken away, or in anywise diminished or enlarged, on account of his belief or disbelief of any religious tenet, dogma or teaching. No human authority shall, in any case whatever, control or interfere with the rights of conscience.

Section 6. All elections shall be free and equal.

Section 7. The ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this Constitution.

Section 8. Printing presses shall be free to every person who undertakes to examine the proceedings of the General Assembly or any branch of government, and no law shall ever be made to restrain the right thereof. Every person may freely and fully speak, write and print on any subject, being responsible for the abuse of that liberty.

Section 9. In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libel the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Section 10. The people shall be secure in their persons, houses, papers and possessions, from unreasonable search and seizure; and no warrant shall issue to search any place, or seize any person or thing, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

Section 11. In all criminal prosecutions the accused has the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor. He can not be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land; and in prosecutions by indictment or information, he shall have a speedy public trial by an impartial jury of the vicinage; but the General Assembly may provide by a general law for a change of venue in such prosecutions for both the defendant and the Commonwealth, the change to be made to the most convenient county in which a fair trial can be obtained.

Section 12. No person, for an indictable offense, shall be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, or by leave of court for oppression or misdemeanor in office.

Section 13. No person shall, for the same offense, be twice put in jeopardy of his life or limb, nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

Section 14. All courts shall be open and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

Section 15. No power to suspend laws shall be exercised, unless by the General Assembly or its authority.

Section 16. All prisoners shall be bailable by sufficient securities, unless for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

Section 17. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.

Section 18. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for

the benefit of his creditors in such manner as shall be prescribed by law.

Section 19. No ex post facto law, nor any law impairing the obligation of contracts, shall be enacted.

Section 20. No person shall be attainted of treason or felony by the General Assembly, and no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

Section 21. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Section 22. No standing army shall, in time of peace, be maintained without the consent of the General Assembly; and the military shall, in all cases and at all times, be in strict subordination to the civil power; nor shall any soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law.

Section 23. The General Assembly shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment of which shall be for a longer time than a term of years.

Section 24. Emigration from the State shall not be prohibited.

Section 25. Slavery and involuntary servitude in this State are forbidden, except as a punishment for crime, whereof the party shall have been duly convicted.

Section 26. To guard against transgression of the high powers which we have delegated, We Declare that every thing in this Bill of Rights is excepted out of the general powers of government, and shall forever remain inviolate; and all laws contrary thereto, or contrary to this Constitution, shall be void.

Distribution of the Powers of Government.

Section 27. The powers of the government of the Commonwealth of Kentucky shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy, to-wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

Section 28. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT.

Section 29. The legislative power shall be vested in a House of Representatives and a Senate, which, together, shall be styled the "General Assembly of the Commonwealth of Kentucky."

Section 30. Members of the House of Representatives and Senators elected at the August election in one thousand eight hundred and ninety-one, and Senators then holding over, shall continue in office until and including the last day of December, one thousand eight hundred and ninety-three. Thereafter the term of office of Representatives and Senators shall begin upon the first day of January of the year succeeding their election.

Section 31. At the general election in the year one thousand eight hundred and ninety-three one Senator shall be elected in each Senatorial District, and one Representative in each Representative District. The Senators then elected shall hold their offices, one-half for two years and one-half for four years, as shall be determined by lot at the first session of the General Assembly after their election, and the Representatives shall hold their offices for two years. Every two years thereafter there shall be elected for four years one Senator in each Senatorial District in which the term of his predecessor in office will then expire, and in every Representative District one Representative for two years.

Section 32. No person shall be a Representative who, at the time of his election, is not a citizen of Kentucky, has not attained the age of twenty-four years, and who has not resided in this State two years next preceding his election, and the last year thereof in the county, town or city for which he may be chosen. No person shall be a Senator who, at the time of his election, is not a citizen of Kentucky, has not attained the age of thirty years, and has not resided in this State six years next preceding his election, and the last year thereof in the district for which he may be chosen.

Section 33. The first General Assembly after the adoption of this Constitution shall divide the State into thirty-eight Senatorial districts, and one hundred Representative districts, as nearly equal in population as may be without dividing any county, except where a county may include more than one district, which districts shall constitute the Senatorial and Representative districts for ten years. Not more than two counties shall be joined together to form a Representative district: Provided, In doing so the principle requiring every district to be as nearly equal in population as may be shall not be violated. At the expiration of that time, the General Assem-

bly shall then, and every ten years thereafter, redistrict the State according to this rule, and for the purposes expressed in this section. If, in making said districts, inequality of population should be unavoidable, any advantage resulting therefrom shall be given to districts having the largest territory. No part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous.

Section 34. The House of Representatives shall choose its Speaker and other officers, and the Senate shall have power to choose its officers biennially.

Section 35. The number of Representatives shall be one hundred, and the number of Senators thirty-eight.

Section 36. The first General Assembly, the members of which shall be elected under this Constitution, shall meet on the first Tuesday after the first Monday in January, eighteen hundred and ninety-four, and thereafter the General assembly shall meet on the same day every second year, and its sessions shall be held at the seat of government, except in case of war, insurrection or pestilence, when it may, by proclamation of the Governor, assemble, for the time being, elsewhere.

Section 37. Not less than a majority of the members of each House of the General Assembly shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members in such manner and under such penalties as may be prescribed by law.

Section 38. Each House of the General Assembly shall judge of the qualifications, elections and returns of its members, but a contested election shall be determined in such manner as shall be directed by law.

Section 39. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause, and may punish for contempt any person who refuses to attend as a witness, or to bring any paper proper to be used as evidence before the General Assembly, or either House thereof, or a Committee of either, or to testify concerning any matter which may be a proper subject of inquiry by the General Assembly, or offers or gives a bribe to a member of the General Assembly, or attempts by other corrupt means or device to control or influence a member to cast his vote or withhold the same. The punishment and mode of proceeding for contempt in such cases shall be prescribed by law, but the term of imprisonment in any such case shall not extend beyond the session of the General Assembly.

Section 40. Each House of the General Assembly shall keep and publish daily a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of the members elected, be entered on the journal.

Section 41. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

Section 42. The members of the General Assembly shall severally receive from the State Treasury compensation for their services, which shall be five dollars a day during their attendance on, and fifteen cents per mile for the necessary travel in going to and returning from, the sessions of their respective Houses: Provided, The same may be changed by law; but no change shall take effect during the session at which it is made; nor shall a session of the General Assembly continue beyond sixty legislative days, exclusive of Sundays and legal holidays; but this limitation as to length of session shall not apply to the first session held under this Constitution, nor to the Senate when sitting as a court of impeachment. A legislative day shall be construed to mean a calendar day.

Section 43. The members of the General Assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance on the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Section 44. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit in this Commonwealth, which shall have been created, or the emoluments of which shall have been increased, during the said term, except to such offices as may be filled by the election of the people.

Section 45. No person who may have been a collector of taxes or public moneys for the Commonwealth, or for any county, city, town or district, or the assistant or deputy of such collector, shall be eligible to the General Assembly, unless he shall have obtained a quietus six months before the election for the amount of such collection, and for all public moneys for which he may have been responsible.

Section 46. No bill shall be considered for final passage, unless the same has been reported by a

Committee and printed for the use of the members. Every bill shall be read at length on three different days in each House; but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending. But whenever a Committee refuses or fails to report a bill submitted to it in a reasonable time, the same may be called up by any member, and be considered in the same manner it would have been considered if it had been reported. No bill shall become a law unless, on its final passage, it receives the votes of at least two-fifths of the members elected to each House, and a majority of the members voting, the vote to be taken by yeas and nays and entered in the journal: Provided, Any act or resolution for the appropriation of money or the creation of debt shall, on its final passage, receive the votes of a majority of all the members elected to each House.

Section 47. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments thereto: Provided, No new matter shall be introduced, under color of amendment, which does not relate to raising revenue.

Section 48. The General Assembly shall have no power to enact laws to diminish the resources of the Sinking Fund as now established by law until the debt of the Commonwealth be paid, but may enact laws to increase them; and the whole resources of said fund, from year to year, shall be sacredly set apart and applied to the payment of the interest and principal of the State debt, and to no other use or purpose, until the whole debt of the State is fully satisfied.

Section 49. The General Assembly may contract debts to meet casual deficits or failures in the revenue: but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed five hundred thousand dollars, and the moneys arising from loans creating such debts shall be applied only to the purpose or purposes for which they were obtained, or to repay such debts: Provided, The General Assembly may contract debts to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defense.

Section 50. No act of the General Assembly shall authorize any debt to be contracted on behalf of the Commonwealth except for the purposes mentioned in section forty-nine, unless provision be made therein to levy and collect an annual tax sufficient to pay the interest stipulated, and to discharge the debt within thirty years; nor shall such act take effect until it shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it: Provided, The General Assembly may contract debts by borrowing money to pay any part of the debt of the State, without submission to the people, and without making provision in the act authorizing the same for a tax to discharge the debt so contracted, or the interest thereon.

Section 51. No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title, and no law shall be revised, amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revised, amended, extended or conferred, shall be re-enacted and published at length.

Section 52. The General Assembly shall have no power to release, extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness or liability of any corporation or individual to this Commonwealth, or to any county or municipality thereof.

Section 53. The General Assembly shall provide by law for monthly investigations into the accounts of the Treasurer and Auditor of Public Accounts, and the result of these investigations shall be reported to the Governor, and these reports shall be semi-annually published in two newspapers of general circulation in the State. The reports received by the Governor shall, at the beginning of each session, be transmitted by him to the General Assembly for scrutiny and appropriate action.

Section 54. The General Assembly shall have no power to limit the amount to be recovered for injuries resulting in death, or for injuries to person or property.

Section 55. No act, except general appropriation bills, shall become a law until ninety days after the adjournment of the session at which it was passed, except in cases of emergency, when, by the concurrence of a majority of the members elected to each House of the General Assembly, by a yea and nay vote entered upon their journals, an act may become a law when approved by the Governor; but the reasons for the emergency that justifies this action must be set out at length in the journal of each House.

Section 56. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two Houses in open session; and before such officer shall have affixed his signature to any bill, he shall suspend all other business, declare that such bill will now be read, and that he will sign the same to the end that it may become a law. The bill shall then be read at length and compared; and, if correctly enrolled, he shall, in presence of the House in open session, and before any other business is entertained, affix his signature,

which fact shall be noted in the journal, and the bill immediately sent to the other House. When it reaches the other House, the presiding officer thereof shall immediately suspend all other business, announce the reception of the bill, and the same proceeding shall thereupon be observed in every respect as in the House in which it was first signed. And thereupon the Clerk of the latter House shall immediately present the same to the Governor for his signature and approval.

Section 57. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon upon pain of expulsion.

Section 58. The General Assembly shall neither audit nor allow any private claim against the Commonwealth, except for expenses incurred during the session at which the same was allowed; but may appropriate money to pay such claim as shall have been audited and allowed according to law.

LOCAL AND SPECIAL LEGISLATION.

Section 59. The General Assembly shall not pass local or special acts concerning any of the following subjects, or for any of the following purposes, namely:

First: To regulate the jurisdiction, or the practice, or the circuits of courts of justice, or the rights, powers, duties or compensation of the officers thereof; but the practice in circuit courts in continuous session may, by a general law, be made different from the practice of circuit courts held in terms.

Second: To regulate the summoning, impaneling or compensation of grand or petit jurors.

Third: To provide for changes of venue in civil or criminal causes.

Fourth: To regulate the punishment of crimes and misdemeanors, or to remit fines, penalties or forfeitures.

Fifth: To regulate the limitation of civil or criminal causes.

Sixth: To affect the estate of *cestuis que trust*, decedents, infants or other persons under disabilities, or to authorize any such persons to sell, lease, encumber or dispose of their property.

Seventh: To declare any person of age, or to relieve an infant or *femme covert* of disability, or to enable him to do acts allowed only to adults not under disabilities.

Eighth: To change the law of descent, distribution or succession.

Ninth: To authorize the adoption or legitimation of children.

Tenth: To grant divorces

Eleventh: To change the name of persons.

Twelfth: To give effect to invalid deeds, wills or other instruments.

Thirteenth: To legalize, except as against the Commonwealth, the unauthorized or invalid act of any officer or public agent of the Commonwealth, or of any city, county or municipality thereof.

Fourteenth: To refund money legally paid into the State Treasury.

Fifteenth: To authorize or to regulate the levy, the assessment or the collection of taxes, or to give any indulgence or discharge to any assessor or collector of taxes, or to his sureties.

Sixteenth: To authorize the opening, altering, maintaining or vacating roads, highways, streets, alleys, town plats, cemeteries, graveyards, or public grounds not owned by the Commonwealth.

Seventeenth: To grant a charter to any corporation, or to amend the charter of any existing corporation; to license companies or persons to own or operate ferries, bridges, roads or turnpikes; to declare streams navigable, or to authorize the construction of booms or dams therein, or to remove obstructions therefrom; to affect toll-gates, or to regulate tolls; to regulate fencing or the running at large of stock.

Eighteenth: To create, increase or decrease fees, percentages or allowances to public officers, or to extend the time for the collection thereof, or to authorize officers to appoint deputies.

Nineteenth: To give any person or corporation the right to lay a railroad track or tramway, or to amend existing charters for such purposes.

Twentieth: To provide for conducting elections, or for designating the places of voting, or changing the boundaries of wards, precincts or districts, except when new counties may be created.

Twenty-first: To regulate the rate of interest.

Twenty-second: To authorize the creation, extension, enforcement, impairment or release of liens.

Twenty-third: To provide for the protection of game and fish.

Twenty-fourth: To regulate labor, trade, mining or manufacturing.

Twenty-fifth: To provide for the management of common schools.

Twenty-sixth: To locate or change a county seat.

Twenty-seventh: To provide a means of taking the sense of the people of any city, town, district, precinct, or county, whether they wish to authorize, regulate or prohibit therein the sale of vinous, spirituous or malt liquors, or alter the liquor laws.

Twenty-eighth: Restoring to citizenship persons convicted of infamous crimes.

Twenty-ninth: In all other cases where a general law can be made applicable, no special law shall be enacted.

Section 60. The General Assembly shall not indirectly enact any special or local act by the repeal in part of a general act, or by exempting from the operation of a general act any city, town, district or county; but laws repealing local or special acts may be enacted. No law shall be enacted granting powers or privileges in any case where the granting of such powers or privileges shall have been provided for by a general law, nor where the Courts have jurisdiction to grant the same or to give the relief asked for. No law, except such as relates to the sale, loan or gift of vinous, spirituous or malt liquors, bridges, turnpikes, or other public roads, public buildings or improvements, fencing, running at large of stock, matters pertaining to common schools, paupers, and the regulation by counties, cities, towns or other municipalities of their local affairs, shall be enacted to take effect upon the approval of any other authority than the General Assembly, unless otherwise expressly provided in this Constitution.

Section 61. The General Assembly shall, by general law, provide a means whereby the sense of the people of any county, city, town, district or precinct may be taken, as to whether or not spirituous, vinous or malt liquors shall be sold, bartered or loaned therein, or the sale thereof regulated. But nothing herein shall be construed to interfere with or to repeal any law in force relating to the sale or gift of such liquors. All elections on this question may be held on a day other than the regular election days.

Section 62. The style of the laws of this Commonwealth shall be as follows: "Be it enacted by the General Assembly of the Commonwealth of Kentucky."

Counties and County Seats.

Section 63. No new county shall be created by the General Assembly which will reduce the county or counties, or either of them, from which it shall be taken, to less area than four hundred square miles; nor shall any county be formed of less area; nor shall any boundary line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided. Nothing contained herein shall prevent the General Assembly from abolishing any county.

Section 64. No county shall be divided, or have any part stricken therefrom, except in the formation of new counties, without submitting the question to a vote of the people of the county, nor unless the majority of all the legal voters of the county voting on the question shall vote for the same. The county seat of no county as now located, or as may hereafter be located, shall be moved, except upon a vote of two-thirds of those voting; nor shall any new county be established which will reduce any county to less than twelve thousand inhabitants, nor shall any county be created containing a less population.

Section 65. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division. But the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be bound for its proportion of the indebtedness of the county from which it has been taken.

Impeachments.

Section 66. The House of Representatives shall have the sole power of impeachment.

Section 67. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the Senators present.

Section 68. The Governor and all civil officers shall be liable to impeachment for any misdemeanors in office; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit under this Commonwealth; but the party convicted shall, nevertheless, be subject and liable to indictment, trial and punishment by law.

THE EXECUTIVE DEPARTMENT.

Officers for the State at Large.

Section 69. The supreme executive power of the Commonwealth shall be vested in a Chief Magistrate, who shall be styled the "Governor of the Commonwealth of Kentucky."

Section 70. He shall be elected for the term of four years by the qualified voters of the State. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, the election shall be determined by lot in such manner as the General Assembly may direct.

Section 71. He shall be ineligible for the succeeding four years after the expiration of the term for which he shall have been elected.

Section 72. He shall be at least thirty years of age, and have been a citizen and a resident of Kentucky for at least six years next preceding his election.

Section 73. He shall commence the execution of

the duties of his office on the fifth Tuesday succeeding his election, and shall continue in the execution thereof until his successor shall have qualified.

Section 74. He shall at stated times receive for his services a compensation to be fixed by law.

Section 75. He shall be Commander-in-Chief of the army and navy of this Commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field, unless advised so to do by a resolution of the General Assembly.

Section 76. He shall have the power, except as otherwise provided in this Constitution, to fill vacancies by granting commissions, which shall expire when such vacancies shall have been filled according to the provisions of this Constitution.

Section 77. He shall have power to remit fines and forfeitures, commute sentences, grant reprieves and pardons, except in case of impeachment, and he shall file with each application therefor a statement of the reasons for his decision thereon, which application and statement shall always be open to public inspection. In cases of treason, he shall have power to grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested; but he shall have no power to remit the fees of the Clerk, Sheriff, or Commonwealth's Attorney in penal or criminal cases.

Section 78. He may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices.

Section 79. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may deem expedient.

Section 80. He may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that should have become dangerous from an enemy or from contagious diseases. In case of disagreement between the two Houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not exceeding four months. When he shall convene the General Assembly it shall be by proclamation, stating the subjects to be considered, and no others shall be considered.

Section 81. He shall take care that the laws be faithfully executed.

Section 82. A Lieutenant-Governor shall be chosen at every regular election for Governor, in the same manner, to continue in office for the same time, and possess the same qualifications as the Governor. He shall be ineligible to the office of Lieutenant-Governor for the succeeding four years after the expiration of the term for which he shall have been elected.

Section 83. He shall, by virtue of his office, be President of the Senate, have a right, when in Committee of the Whole, to debate and vote on all subjects, and when the Senate is equally divided, to give the casting vote.

Section 84. Should the Governor be impeached and removed from office, die, refuse to qualify, resign, be absent from the State, or be, from any cause, unable to discharge the duties of his office, the Lieutenant-Governor shall exercise all the power and authority appertaining to the office of Governor until another be duly elected and qualified, or the Governor shall return or be able to discharge the duties of his office. On the trial of the Governor, the Lieutenant-Governor shall not act as President of the Senate or take part in the proceedings, but the Chief Justice of the Court of Appeals shall preside during the trial.

Section 85. A President pro tempore of the Senate shall be elected by each Senate as soon after its organization as possible, the Lieutenant-Governor vacating his seat as President of the Senate until such election shall be made; and as often as there is a vacancy in the office of President pro tempore, another President pro tempore of the Senate shall be elected by the Senate, if in session. And if, during the vacancy of the office of Governor, the Lieutenant-Governor shall be impeached and removed from office, refuse to qualify, resign, die or be absent from the State, the President pro tempore of the Senate shall in like manner administer the government: Provided, Whenever a vacancy shall occur in the office of Governor before the first two years of the term shall have expired, a new election for Governor shall take place to fill such vacancy.

Section 86. The Lieutenant-Governor, or President pro tempore of the Senate, while he acts as President of the Senate, shall receive for his services the same compensation which shall, for the same period, be allowed to the Speaker of the House of Representatives, and during the time he administers the government as Governor, he shall receive the same compensation which the Governor would have received had he been employed in the duties of his office.

Section 87. If the Lieutenant-Governor shall be called upon to administer the government, and shall, while in such administration, resign, die or be absent from the State during the recess of the General Assembly, if there be no President pro tempore of the Senate, it shall be the duty of the Secretary of State, for the time being, to convene the Senate for

the purpose of choosing a President; and until a President is chosen, the Secretary of State shall administer the government. If there be no Secretary of State to perform the duties devolved upon him by this section, or in case that officer be absent from the State, then the Attorney-General, for the time being, shall convene the Senate for the purpose of choosing a President, and shall administer the government until a President is chosen.

Section 88. Every bill which shall have passed the two Houses shall be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter the objections in full upon its journal, and proceed to reconsider it. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be considered, and if approved by a majority of all the members elected to that House, it shall be a law; but in such case the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each House respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless disapproved by him within ten days after the adjournment, in which case his veto message shall be spread upon the register kept by the Secretary of State. The Governor shall have power to disapprove any part or parts of appropriation bills embracing distinct items, and the part or parts disapproved shall not become a law unless reconsidered and passed, as in case of a bill.

Section 89. Every order, resolution or vote, in which the concurrence of both Houses may be necessary, except on a question of adjournment, or as otherwise provided in this Constitution, shall be presented to the Governor, and, before it shall take effect, be approved by him; or being disapproved, shall be repassed by a majority of the members elected to both Houses, according to the rules and limitations prescribed in case of a bill.

Section 90. Contested elections for Governor and Lieutenant-Governor shall be determined by both Houses of the General Assembly, according to such regulations as may be established by law.

Section 91. A Treasurer, Auditor of Public Accounts, Register of the Land Office, Commissioner of Agriculture, Labor and Statistics, Secretary of State, Attorney-General and Superintendent of Public Instruction, shall be elected by the qualified voters of the State at the same time the Governor is elected, for the term of four years, each of whom shall be at least thirty years of age at the time of his election, and shall have been a resident citizen of the State at least two years next before his election. The duties of all these officers shall be such as may be prescribed by law, and the Secretary of State shall keep a fair register of and attest all the official acts of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto before either House of the General Assembly. The officers named in this section shall enter upon the discharge of their duties the first Monday in January after their election, and shall hold their offices until their successors are elected and qualified.

Section 92. The Attorney-General shall have been a practicing lawyer eight years before his election.

Section 93. The Treasurer, Auditor of Public Accounts, Secretary of State, Commissioner of Agriculture, Labor and Statistics, Attorney-General, Superintendent of Public Instruction and Register of the Land Office shall be ineligible to re-election for the succeeding four years after the expiration of the term for which they shall have been elected. The duties and responsibilities of these officers shall be prescribed by law, and all fees collected by any of said officers shall be covered into the treasury. Inferior State officers, not specifically provided for in this Constitution, may be appointed or elected, in such manner as may be prescribed by law, for a term not exceeding four years, and until their successors are appointed or elected and qualified.

Section 94. The General Assembly may provide for the abolishment of the office of the Register of the Land Office, to take effect at the end of any term, and shall provide by law for the custody and preservation of the papers and records of said office, if the same be abolished.

Section 95. The election under this Constitution for Governor, Lieutenant-Governor, Treasurer, Auditor of Public Accounts, Register of the Land Office, Attorney-General, Secretary of State, Superintendent of Public Instruction, and Commissioner of Agriculture, Labor and Statistics, shall be held on the first Tuesday after the first Monday in November, eighteen hundred and ninety-five, and the same day every four years thereafter.

Section 96. All the officers mentioned in section ninety-five shall be paid for their services by salary, and not otherwise.

OFFICERS FOR DISTRICTS AND COUNTIES

Section 97. At the general election in eighteen hundred and ninety-two there shall be elected in each

circuit court district a Commonwealth's Attorney, and in each county a clerk of the circuit court, who shall enter upon the discharge of the duties of their respective offices on the first Monday in January after their election, and shall hold their offices five years, and until their successors are elected and qualified. In the year eighteen hundred and ninety-seven, and every six years thereafter, there shall be an election in each county for a circuit court clerk, and for a Commonwealth's Attorney in each circuit court district, unless that office be abolished, who shall hold their respective offices for six years from the first Monday in January after their election, and until the election and qualification of their successors.

Section 98. The compensation of the Commonwealth's Attorney shall be by salary and such percentage of fines and forfeitures as may be fixed by law, and such salary shall be uniform in so far as the same shall be paid out of the State Treasury, and not to exceed the sum of five hundred dollars per annum; but any county may make additional compensation, to be paid by said county. Should any percentage of fines and forfeitures be allowed by law, it shall not be paid except upon such proportion of the fines and forfeitures as have been collected and paid into the State Treasury, and not until so collected and paid.

Section 99. There shall be elected in eighteen hundred and ninety-four in each county a Judge of the County Court, a County Court Clerk, a County Attorney, Sheriff, Jailer, Coroner, Surveyor and Assessor, and in each Justice's District one Justice of the Peace and one Constable, who shall enter upon the discharge of the duties of their offices on the first Monday in January after their election, and continue in office three years, and until the election and qualification of their successors; and in eighteen hundred and ninety-seven, and every four years thereafter, there shall be an election in each county of the officers mentioned, who shall hold their offices four years (from the first Monday in January after their election), and until the election and qualification of their successors. The first election of Sheriffs under this Constitution shall be held in eighteen hundred and ninety-two, and the Sheriffs then elected shall hold their offices two years, and until the election and qualification of their successors. The Sheriffs now in office for their first term shall be eligible to re-election in eighteen hundred and ninety-two, and those elected in eighteen hundred and ninety-two for the first term shall be eligible to re-election in eighteen hundred and ninety-four, but thereafter no Sheriff shall be eligible to re-election or to act as deputy for the succeeding term.

Section 100. No person shall be eligible to the offices mentioned in sections ninety-seven and ninety-nine who is not at the time of his election twenty-four years of age (except Clerks of County and Circuit Courts, who shall be twenty-one years of age), a citizen of Kentucky, and who has not resided in the State two years, and one year next preceding his election in the county and district in which he is a candidate. No person shall be eligible to the office of Commonwealth's Attorney unless he shall have been a licensed practicing lawyer four years. No person shall be eligible to the office of County Attorney unless he shall have been a licensed practicing lawyer two years. No person shall be eligible to the office of Clerk unless he shall have procured from a Judge of the Court of Appeals, or a Judge of a Circuit Court, a certificate that he has been examined by the Clerk of his Court under his supervision, and that he is qualified for the office for which he is a candidate.

Section 101. Constables shall possess the same qualifications as Sheriffs, and their jurisdiction shall be co-extensive with the counties in which they reside. Constables now in office shall continue in office until their successors are elected and qualified.

Section 102. When a new county shall be created, officers for the same, to serve until the next regular election, shall be elected or appointed in such way and at such times as the General Assembly may prescribe.

Section 103. The Judges of County Courts, Clerks, Sheriffs, Surveyors, Coroners, Jailers, Constables, and such other officers as the General Assembly may, from time to time, require, shall, before they enter upon the duties of their respective offices, and as often thereafter as may be deemed proper, give such bond and security as may be prescribed by law.

Section 104. The General Assembly may abolish the office of Assessor and provide that the assessment of property shall be made by other officers; but it shall have power to re-establish the office of Assessor and prescribe his duties. No person shall be eligible to the office of Assessor two consecutive terms.

Section 105. The General Assembly may, at any time, consolidate the offices of Jailer and Sheriff in any county or counties, as it shall deem most expedient; but in the event such consolidation be made, the office of Sheriff shall be retained, and the Sheriff shall be required to perform the duties of Jailer.

Section 106. The fees of county officers shall be regulated by law. In counties or cities having a population of seventy-five thousand or more, the Clerks of the respective courts thereof (except the Clerk of the City Court), the Marshals, the Sheriffs and the

Jailers, shall be paid out of the State Treasury, by salary to be fixed by law, the salaries of said officers and of their deputies and necessary office expenses not to exceed seventy-five per centum of the fees collected by said officers, respectively, and paid into the Treasury.

Section 107. The General Assembly may provide for the election or appointment, for a term not exceeding four years, of such other county or district ministerial and executive officers as may, from time to time, be necessary.

Section 108. The General Assembly may, at any time after the expiration of six years from the adoption of this Constitution, abolish the office of Commonwealth's Attorney, to take effect upon the expiration of the terms of the incumbents, in which event the duties of said office shall be discharged by the County Attorneys.

THE JUDICIAL DEPARTMENT.

Section 109. The judicial power of the Commonwealth, both as to matters of law and equity, shall be vested in the Senate when sitting as a court of impeachment, and one Supreme Court (to be styled the Court of Appeals) and the courts established by this Constitution.

Court of Appeals.

Section 110. The Court of Appeals shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations not repugnant to this Constitution, as may from time to time be prescribed by law. Said court shall have power to issue such writs as may be necessary to give it a general control of inferior jurisdictions.

Section 111. The Court of Appeals shall be held at the seat of government; but if that shall become dangerous, in case of war, insurrection or pestilence, it may adjourn to meet and transact its business at such other place in the State as it may deem expedient for the time being.

Section 112. The Judges of the Court of Appeals shall severally hold their offices for the term of eight years, commencing on the first Monday in January next succeeding their respective elections, and until their several successors are qualified, subject to the conditions hereinafter prescribed. For any reasonable cause the Governor shall remove them, or any one or more of them, on the address of two-thirds of each House of the General Assembly. The cause or causes for which said removal shall be required shall be stated at length in such address and in the journal of each House. They shall at stated times receive for their services an adequate compensation, to be fixed by law.

Section 113. The Court of Appeals shall, after eighteen hundred and ninety-four, consist of not less than five nor more than seven Judges. They shall, severally, by virtue of their office, be conservators of the peace throughout the State, and shall be commissioned by the Governor.

Section 114. No person shall be eligible to election as a Judge of the Court of Appeals who is not a citizen of Kentucky and has not resided in this State five years and in the district in which he is elected two years next preceding his election, and who is less than thirty-five years of age, and has not been a practicing lawyer eight years, or whose services upon the bench of a Circuit Court or court of similar jurisdiction, when added to the time he may have practiced law, shall not be equal to eight years.

Section 115. The present Judges of the Court of Appeals shall hold their offices until their respective terms expire, and until their several successors shall be qualified; and at the regular election next preceding the expiration of the term of each of the present Judges, his successor shall be elected. The General Assembly shall, before the regular election in eighteen hundred and ninety-four, provide for the election of such Judges of the Court of Appeals, not less than five nor exceeding seven, as may be necessary; and if less than seven Judges be provided for, the General Assembly may, at any time, increase the number to seven.

Section 116. The Judges of the Court of Appeals shall be elected by districts. The General Assembly shall, before the regular election in eighteen hundred and ninety-four, divide the State, by counties, into as many districts, as nearly equal in population and as compact in form as possible, as it may provide shall be the number of Judges of the Court of Appeals; and it may, every ten years thereafter, or when the number of Judges requires it, redistrict the State in like manner. Upon the creation of new or additional districts, the General Assembly shall designate the year in which the first election for a Judge of the Court of Appeals shall be held in each district, so that not more than the number of Judges provided for shall be elected, and that no Judge may be deprived of his office until the expiration of the term for which he was elected.

Section 117. A majority of the Judges of the Court of Appeals shall constitute a quorum for the transaction of business, but in the event as many as two decline, on account of interest or for other reason, to preside in the trial of any cause, the Governor, on that fact being certified to him by the Chief

Justice, shall appoint to try the particular cause a sufficient number of Judges to constitute a full Court. The Judges so appointed shall possess the qualifications prescribed for Judges of the Court of Appeals, and receive the same compensation proportioned to the length of service.

Section 118. The Judge longest in commission as Judge of the Court of Appeals shall be Chief Justice, and if the term of service of two or more Judges be the same, they shall determine by lot which of their number shall be Chief Justice. The Court shall prescribe by rule that petitions for rehearing shall be considered by a Judge who did not deliver the opinion in the case; and the Court, if composed of seven Judges, shall divide itself into sections for the transaction of business, if, in the judgment of the Court, such arrangement is necessary.

Section 119. The Superior Court shall continue until the terms of the present Judges of said Court expire, and upon the expiration of their terms, all causes pending before the Superior Court shall be transferred to the Court of Appeals and be determined by it.

Section 120. The present Clerk of the Court of Appeals shall serve until the expiration of the term for which he was elected, and until his successor is elected and qualified. At the election in the year eighteen hundred and ninety-seven there shall be elected by the qualified voters of the State a Clerk of the Court of Appeals, who shall take his office the first Monday in September, eighteen hundred and ninety-eight, and who shall hold his office until the regular election in nineteen hundred and three, and until his successor shall be elected and qualified. In nineteen hundred and three and thereafter, the Clerk of the Court of Appeals shall be elected at the same time as the Governor for the term of four years; and the said Clerk shall take his office on the first Monday in January following his election, and shall hold his office until his successor is elected and qualified. The clerk shall be ineligible for the succeeding term.

Section 121. No person shall be eligible to the office of Clerk of the Court of Appeals unless he is a citizen of Kentucky, a resident thereof for two years next preceding his election, of the age of twenty-one years, and have a certificate from a Judge of the Court of Appeals that he has been examined by him, or by the Clerk of his Court under his supervision, and that he is qualified for the office.

Section 122. Should a vacancy occur in the office of the Clerk of the Court of Appeals, or should the Clerk be under charges, the Court of Appeals shall have power to appoint a Clerk until the vacancy be filled as provided in this Constitution, or until the Clerk be acquitted.

Section 123. The style of process shall be, "The Commonwealth of Kentucky." All prosecutions shall be carried on in the name and by the authority of the "Commonwealth of Kentucky," and conclude against the peace and dignity of the same.

Section 124. The Clerks of the Court of Appeals, Circuit and County Courts, shall be removable from office by the Court of Appeals, upon information and good cause shown. The Court shall be judge of the facts as well as the law. Two-thirds of the members present must concur in the sentence.

Circuit Courts.

Section 125. A Circuit Court shall be established in each county now existing, or which may hereafter be created, in this Commonwealth.

Section 126. The jurisdiction of said Court shall be and remain as now established, hereby giving to the General Assembly the power to change it.

Section 127. The right to appeal or sue out a writ of error shall remain as it now exists until altered by law, hereby giving to the General Assembly the power to change or modify said right.

Section 128. At its first session after the adoption of this Constitution, the General Assembly, having due regard to territory, business and population, shall divide the State into a sufficient number of judicial districts to carry into effect the provisions of this Constitution concerning Circuit Courts. In making such apportionment no county shall be divided, and the number of said districts, excluding those in counties having a population of one hundred and fifty thousand, shall not exceed one district for each sixty thousand of the population of the entire State.

Section 129. The General Assembly shall, at the same time the judicial districts are laid off, direct elections to be held in each district to elect a judge therein. The first election of Judges of the Circuit Courts under this Constitution shall take place at the annual election in the year eighteen hundred and ninety-two, and the judges then elected shall enter upon the discharge of the duties of their respective offices on the first Monday in January after their election, and hold their offices five years, and until their successors are elected and qualified. At the general election in eighteen hundred and ninety-seven, and every six years thereafter, there shall be an election for Judges of the Circuit Courts, who shall hold their offices for six years from the first

Monday in January succeeding their election. They shall be commissioned by the Governor, and continue in office until their successors shall have been qualified, but shall be removable in the same manner as the Judges of the Court of Appeals. The removal of a Judge from his district shall vacate his office.

Section 130. No person shall be eligible as Judge of the Circuit Court who is less than thirty-five years of age when elected, who is not a citizen of Kentucky, and a resident of the district in which he may be a candidate two years next preceding his election, and who has not been a practicing lawyer eight years.

Section 131. There shall be at least three regular terms of Circuit Court held in each county every year.

Section 132. The General Assembly, when deemed necessary, may establish additional districts; but the whole number of districts, exclusive of counties having a population of one hundred and fifty thousand, shall not exceed at any time one for every sixty thousand of population of the State according to the last enumeration.

Section 133. The Judges of the Circuit Court shall, at stated times, receive for their services an adequate compensation to be fixed by law, which shall be equal and uniform throughout the State, so far as the same shall be paid out of the State Treasury.

Section 134. The Judicial Districts of the State shall not be changed except at the first session after an enumeration, unless upon the establishment of a new district.

Section 135. No Courts, save those provided for in this Constitution, shall be established.

Section 136. The General Assembly shall provide by law for holding Circuit Courts when, from any cause, the Judge shall fail to attend, or, if in attendance, can not properly preside.

Section 137. Each county having a population of one hundred and fifty thousand or over, shall constitute a district, which shall be entitled to four judges. Additional Judges for said district may, from time to time, be authorized by the General Assembly, but not to exceed one Judge for each increase of forty thousand of population in said county, to be ascertained by the last enumeration. Each of the Judges in such a district shall hold a separate court, except when a general term may be held for the purpose of making rules of court, or as may be required by law: Provided, No general term shall have power to review any order, decision or proceeding of any branch of the court in said district made in separate term. There shall be one Clerk for such district who shall be known as the Clerk of the Circuit Court. Criminal causes shall be under the exclusive jurisdiction of some one branch of said court, and all other litigation in said district, of which the Circuit Court may have jurisdiction, shall be distributed as equally as may be between the other branches thereof, in accordance with the rules of the court made in general term or as may be prescribed by law.

Section 138. Each county having a city of twenty thousand inhabitants, and a population, including said city, of forty thousand or more, may constitute a district, and when its population reaches seventy-five thousand, the General Assembly may provide that it shall have an additional Judge, and such district may have a Judge for each additional fifty thousand population above one hundred thousand. And in such counties the General Assembly shall, by proper laws, direct in what manner the court shall be held and the business therein conducted.

Quarterly Courts.

Section 139. There shall be established in each county now existing, or which may be hereafter created, in this State, a Court to be styled the Quarterly Court, the jurisdiction of which shall be uniform throughout the State, and shall be regulated by a general law, and, until changed, shall be the same as that now vested by law in the Quarterly Courts of this Commonwealth. The Judges of the County Court shall be the Judges of the Quarterly Courts.

County Courts.

Section 140. There shall be established in each county now existing, or which may be hereafter created, in this State, a Court to be styled the County Court, to consist of a Judge, who shall be a conservator of the peace, and shall receive such compensation for his services as may be prescribed by law. He shall be commissioned by the Governor, and shall vacate his office by removal from the county in which he may have been elected.

Section 141. The jurisdiction of the County Court shall be uniform throughout the State, and shall be regulated by general law, and, until changed, shall be the same as now vested in the County Courts of this State by law.

Justices' Courts.

Section 142. Each county now existing, or which may hereafter be created, in this State, shall be laid off into districts in such manner as the General

Assembly may direct; but no county shall have less than three nor more than eight districts, in each of which districts one Justice of the Peace shall be elected as provided in section ninety-nine. The General Assembly shall make provisions for regulating the number of said districts from time to time within the limits herein prescribed, and for fixing the boundaries thereof. The jurisdiction of Justices of the Peace shall be co-extensive with the county, and shall be equal and uniform throughout the State. Justices of the Peace shall be conservators of the peace. They shall be commissioned by the Governor, and shall vacate their offices by removal from the districts, respectively, in which they may have been elected.

POLICE COURTS.

Section 143. A Police Court may be established in each city and town in this State, with jurisdiction in cases of violation of municipal ordinances and by-laws occurring within the corporate limits of the city or town in which it is established, and such criminal jurisdiction within the said limits as Justices of the Peace have. The said Courts may be authorized to act as examining Courts, but shall have no civil jurisdiction: Provided, The General Assembly may confer civil jurisdiction on Police Courts in cities and towns of the fourth and fifth classes and in towns of the sixth class having a population of two hundred and fifty or more, which jurisdiction shall be uniform throughout the State, and not exceed that of Justices of the Peace.

FISCAL COURTS.

Section 144. Counties shall have a Fiscal Court, which may consist of the Judge of the County Court and the Justices of the Peace, in which Court the Judge of the County Court shall preside, if present; or a county may have three Commissioners, to be elected from the county at large, who, together with the Judge of the County Court, shall constitute the Fiscal Court. A majority of the members of said Court shall constitute a Court for the transaction of business. But where, for county governmental purposes, a city is by law separated from the remainder of the county, such Commissioners may be elected from the part of the county outside of such city.

SUFFRAGE AND ELECTIONS

Section 145. Every male citizen of the United States of the age of twenty-one years, who has resided in the State one year, and in the county six months, and in the precinct in which he offers to vote sixty days, next preceding the election, shall be a voter in said precinct and not elsewhere; but the following persons are excepted and shall not have the right to vote:

First: Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage; but persons hereby excluded may be restored to their civil rights by Executive pardon.

Second: Persons, who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

Third: Idiots and insane persons.

Section 146. No person in the military, naval or marine service of the United States shall be deemed a resident of this State by reason of being stationed within the same.

Section 147. The General Assembly shall provide by law for the registration of all persons entitled to vote in cities and towns having a population of five thousand or more; and may provide by general law for the registration of other voters in the State. Where registration is required, only persons registered shall have the right to vote. The mode of registration shall be prescribed by the General Assembly. In all elections by persons in a representative capacity the voting shall be viva voce and made a matter of record; but all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls, and then and there deposited. The word "Elections" in this section includes the decision of questions submitted to the voters, as well as the choice of officers by them. The first General Assembly held after the adoption of this Constitution shall pass all necessary laws to enforce this provision, and shall provide that persons illiterate, blind, or in any way disabled, may have their ballots marked as herein required.

Section 148. Not more than one election each year shall be held in this State or in any city, town, district, or county thereof, except as otherwise provided in this Constitution. All elections of State, county, city, town or district officers shall be held on the first Tuesday after the first Monday in November; but no officer of any city, town, or county, or of any subdivision thereof, except members of municipal legislative boards, shall be elected in the same year in which members of the House of Representatives of the United States are elected. District or State Officers, including members of the

General Assembly, may be elected in the same year in which members of the House of Representatives of the United States are elected. All elections by the people shall be between the hours of six o'clock A. M. and seven o'clock P. M. but the General Assembly may change said hours, and all officers of any election shall be residents and voters in the precinct in which they act. The General Assembly shall provide by law that all employers shall allow employees, under reasonable regulations, at least four hours on election days, in which to cast their votes.

Section 149. Voters, in all cases except treason, felony, breach of surety of the peace, or violation of the election laws, shall be privileged from arrest during their attendance at elections, and while they are going to and returning therefrom.

Section 150. Every person shall be disqualified from holding any office of trust or profit for the term for which he shall have been elected who shall be convicted of having given, or consented to the giving, offer or promise of any money or other thing of value, to procure his election, or to influence the vote of any voter at such election; and if any corporation shall, directly or indirectly, offer, promise or give, or shall authorize, directly or indirectly, any person to offer, promise or give any money or any thing of value to influence the result of any election in this State, or the vote of any voter authorized to vote therein, or who shall afterward reimburse or compensate, in any manner whatever, any person who shall have offered, promised or given any money or other thing of value to influence the result of any election or the vote of any such voter, such corporation if organized under the laws of this Commonwealth, shall, on conviction thereof, forfeit its charter and all rights, privileges and immunities thereunder; and if chartered by another State and doing business in this State, whether by license, or upon mere sufferance, such corporation upon conviction of either of the offenses aforesaid, shall forfeit all right to carry on any business in this State; and it shall be the duty of the General Assembly to provide for the enforcement of the provisions of this section. All persons shall be excluded from office who have been, or shall hereafter be, convicted of a felony, or of such high misdemeanor as may be prescribed by law, but such disability may be removed by pardon of the Governor. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult or other improper practices.

Section 151. The General Assembly shall provide suitable means for depriving of office any person who, to procure his nomination or election, has, in his canvass or election, been guilty of any unlawful use of money, or other thing of value, or has been guilty of fraud, intimidation, bribery, or any other corrupt practice, and he shall be held responsible for acts done by others with his authority, or ratified by him.

Section 152. Except as otherwise provided in this Constitution, vacancies in all elective offices shall be filled by election or appointment, as follows: If the unexpired term will end at the next succeeding annual election at which either city, town, county, district, or State officers are to be elected, the office shall be filled by appointment for the remainder of the term. If the unexpired term will not end at the next succeeding annual election at which either city, town, county, district, or State officers are to be elected, and if three months intervene before said succeeding annual election at which either city, town, county, district, or State officers are to be elected, the office shall be filled by appointment until said election, and then said vacancy shall be filled by election for the remainder of the term. If three months do not intervene between the happening of said vacancy and the next succeeding election at which city, town, county, district or State officers are to be elected, the office shall be filled by appointment until the second succeeding annual election at which city, town, county, district or State officers are to be elected; and then, if any part of the term remains unexpired, the office shall be filled by election until the regular time for the election of officers to fill said offices. Vacancies in all offices for the State at large, or for districts larger than a county, shall be filled by appointment of the Governor; all other appointments shall be made as may be prescribed by law. No person shall ever be appointed a member of the General Assembly, but vacancies therein may be filled at a special election, in such manner as may be provided by law.

Section 153. Except as otherwise herein expressly provided, the General Assembly shall have power to provide by general law for the manner of voting, for ascertaining the result of elections and making due returns thereof, for issuing certificates or commissions to all persons entitled thereto, and for the trial of contested elections.

Section 154. The General Assembly shall prescribe such laws as may be necessary for the restriction or prohibition of the sale or gift of spirituous, vinous or malt liquors on election days.

Section 155. The provisions of sections one hundred and forty-five to one hundred and fifty-four,

inclusive, shall not apply to the election of school trustees and other common school district elections. Said elections shall be regulated by the General Assembly, except as otherwise provided in this Constitution.

MUNICIPALITIES.

Section 156. The cities and towns of this Commonwealth, for the purposes of their organization and government, shall be divided into six classes. The organization and powers of each class shall be defined and provided for by general laws, so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. To the first class shall belong cities with a population of one hundred thousand or more; to the second class, cities with a population of twenty thousand or more, and less than one hundred thousand; to the third class, cities with a population of eight thousand or more, and less than twenty thousand; to the fourth class, cities and towns with a population of three thousand or more, and less than eight thousand; to the fifth class, cities and towns with a population of one thousand or more, and less than three thousand; to the sixth class, towns with a population of less than one thousand. The General Assembly shall assign the cities and towns of the Commonwealth to the classes to which they respectively belong, and change assignments made as the population of said cities and towns may increase or decrease, and in the absence of other satisfactory information as to their population, shall be governed by the last preceding Federal census in so doing; but no city or town shall be transferred from one class to another, except in pursuance of a law previously enacted and providing therefor. The General Assembly, by a general law, shall provide how towns may be organized, and enact laws for the government of such towns until the same are assigned to one or the other of the classes above named; but such assignment shall be made at the first session of the General Assembly after the organization of said town or city.

Section 157. The tax rate of cities, towns, counties, taxing districts and other municipalities, for other than school purposes, shall not, at any time exceed the following rates upon the value of the taxable property therein, viz: For all towns or cities having a population of fifteen thousand or more, one dollar and fifty cents on the hundred dollars; for all towns or cities having less than fifteen thousand and not less than ten thousand, one dollar on the hundred dollars; for all towns or cities having less than ten thousand, seventy-five cents on the hundred dollars; and for counties and taxing districts, fifty cents on the hundred dollars; unless it should be necessary to enable such city, town, county, or taxing district to pay the interest on, and provide a sinking fund for the extinction of, indebtedness contracted before the adoption of this Constitution. No county, city, town, taxing district, or other municipality, shall be authorized or permitted to become indebted, in any manner or for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of two-thirds of the voters thereof, voting at an election to be held for that purpose; and any indebtedness contracted in violation of this section shall be void. Nor shall such contract be enforceable by the person with whom made; nor shall such municipality ever be authorized to assume the same.

Section 158. The respective cities, towns, counties, taxing districts, and municipalities shall not be authorized or permitted to incur indebtedness to an amount, including existing indebtedness, in the aggregate exceeding the following named maximum percentages on the value of the taxable property therein, to be estimated by the assessment next before the last assessment previous to the incurring of the indebtedness, viz: Cities of the first and second classes, and of the third class having a population exceeding fifteen thousand, ten per centum; cities of the third class having a population of less than fifteen thousand, and cities and towns of the fourth class, five per centum; cities and towns of the fifth and sixth classes, three per centum; and counties, taxing districts and other municipalities, two per centum: Provided, Any city, town, county, taxing district or other municipality may contract an indebtedness in excess of such limitations when the same has been authorized under laws in force prior to the adoption of this Constitution, or when necessary for the completion of and payment for a public improvement undertaken and not completed and paid for at the time of the adoption of this Constitution: And provided further, If, at the time of the adoption of this Constitution, the aggregate indebtedness, bonded or floating, of any city, town, county, taxing district or other municipality, including that which it has been or may be authorized to contract as herein provided, shall exceed the limit herein prescribed, then no such city or town shall be authorized or permitted to increase its indebtedness in an amount exceeding two per centum, and no such county, taxing district or other municipality, in an amount exceeding one per centum, in the aggregate upon the value of the taxable property therein, to be ascertained as herein provided, until the aggregate of its indebtedness shall have been re-

duced below the limit herein fixed, and thereafter it shall not exceed the limit, unless in case of emergency, the public health or safety should so require. Nothing herein shall prevent the issue of renewal bonds, or bonds to fund the floating indebtedness of any city, town, county, taxing district or other municipality.

Section 159. Whenever any county, city, town, taxing district or other municipality is authorized to contract an indebtedness, it shall be required, at the same time, to provide for the collection of an annual tax sufficient to pay the interest on said indebtedness, and to create a sinking fund for the payment of the principal thereof, within not more than forty years from the time of contracting the same.

Section 160. The Mayor or Chief Executive, Police Judges, members of legislative boards or councils of towns and cities shall be elected by the qualified voters thereof: Provided, The Mayor or Chief Executive and Police Judges of the towns of the fourth, fifth and sixth classes may be appointed or elected as provided by law. The terms of office of Mayors or Chief Executives and Police Judges shall be four years, and until their successors shall be qualified; and of members of legislative boards, two years. When any city of the first or second class is divided into wards or districts, members of legislative boards shall be elected at large by the qualified voters of said city, but so selected that an equal proportion thereof shall reside in each of the said wards or districts; but when in any city of the first, second or third class, there are two legislative boards, the less numerous shall be selected from and elected by the voters at large of said city; but other officers of towns or cities shall be elected by the qualified voters therein, or appointed by the local authorities thereof, as the General Assembly may, by a general law, provide; but when elected by the voters of a town or city, their terms of office shall be four years, and until their successors shall be qualified. No Mayor or Chief Executive or fiscal officer of any city of the first or second class, after the expiration of the term of office to which he has been elected under this Constitution, shall be eligible for the succeeding term. "Fiscal officer" shall not include an Auditor or Assessor, or any other officer whose chief duty is not the collection or holding of public moneys. The General Assembly shall prescribe the qualifications of all officers of towns and cities, the manner in and causes for which they may be removed from office, and how vacancies in such offices may be filled.

Section 161. The compensation of any city, county, town or municipal officer shall not be changed after his election or appointment, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he may have been elected or appointed.

Section 162. No county, city, town or other municipality shall ever be authorized or permitted to pay any claim created against it, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void.

Section 163. No street railway, gas, water, steam heating, telephone, or electric light company, within a city or town, shall be permitted or authorized to construct its tracks, lay its pipes or mains, or erect its poles, posts or other apparatus along, over, under or across the streets, alleys or public grounds of a city or town, without the consent of the proper legislative bodies or boards of such city or town being first obtained; but when charters have been heretofore granted conferring such rights, and work has in good faith been begun thereunder, the provisions of this section shall not apply.

Section 164. No county, city, town, taxing district or other municipality shall be authorized or permitted to grant any franchise or privilege, or make any contract in reference thereto, for a term exceeding twenty years. Before granting such franchise or privilege for a term of years, such municipality shall first, after due advertisement, receive bids therefor publicly, and award the same to the highest and best bidder; but it shall have the right to reject any or all bids. This section shall not apply to a trunk railway.

Section 165. No person shall, at the same time, be a State officer or a deputy officer, or member of the General Assembly, and an officer of any county, city, town, or other municipality, or an employe thereof; and no person shall, at the same time, fill two municipal offices, either in the same or different municipaliities, except as may be otherwise provided in this Constitution; but a Notary Public, or an officer of the Militia, shall not be ineligible to hold any other office mentioned in this section.

Section 166. All acts of incorporation of cities and towns heretofore granted, and all amendments thereto, except as provided in section one hundred and sixty-seven, shall continue in force under this Constitution, and all City and Police Courts established in any city or town shall remain, with their present powers and jurisdictions, until such time as the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof; but not longer than four

years from and after the first day of January, one thousand eight hundred and ninety-one, within which time the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof, as provided in this Constitution.

Section 167. All city and town officers in this State shall be elected or appointed as provided in the charter of each respective town and city, until the general election in November, 1893, and until their successors shall be elected and qualified, at which time the terms of all such officers shall expire; and at that election, and thereafter as their terms of office may expire, all officers required to be elected in cities and towns by this Constitution or by general laws enacted in conformity to its provisions, shall be elected at the general elections in November, but only in the odd years, except members of municipal legislative boards, who may be elected either in the even or odd years, or part in the even and part in the odd years: Provided, That the terms of office of Police Judges, who were elected for four years at the August election, eighteen hundred and ninety, shall expire August thirty-first, eighteen hundred and ninety-four, and the terms of Police Judges elected in November, eighteen hundred and ninety-three, shall begin September first, eighteen hundred and ninety-four, and continue until the November election, eighteen hundred and ninety-seven, and until their successors are elected and qualified.

Section 168. No municipal ordinance shall fix a penalty for a violation thereof at less than that imposed by statute for the same offense. A conviction or acquittal under either shall constitute a bar to another prosecution for the same offense.

Revenue and Taxation.

Section 169. The fiscal year shall commence on the first day of July in each year, unless otherwise provided by law.

Section 170. There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profits, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities and two acres of ground in the country appurtenant thereto; household goods and other personal property of a person with a family, not exceeding two hundred and fifty dollars in value; crops grown in the year in which the assessment is made, and in the hands of the producer; and all laws exempting or commuting property from taxation other than the property above mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

Section 171. The General Assembly shall provide by law an annual tax, which, with other resources, shall be sufficient to defray the estimated expenses of the Commonwealth for each fiscal year. Taxes shall be levied and collected for public purposes only. They shall be uniform upon all property subject to taxation within the territorial limits of the authority levying the tax; and all taxes shall be levied and collected by general laws.

Section 172. All property, not exempted from taxation by this Constitution, shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale; and any officer or other person authorized to assess values for taxation, who shall commit any willful error in the performance of his duty, shall be deemed guilty of misfeasance, and upon conviction thereof shall forfeit his office, and be otherwise punished as may be provided by law.

Section 173. The receiving, directly or indirectly, by any officer of the Commonwealth, or of any county, city or town, or member or officer of the General Assembly, of any interest, profit or perquisites arising from the use or loan of public funds in his hands, or moneys to be raised through his agency for State, city, town, district or county purposes shall be deemed a felony. Said offense shall be punished as may be prescribed by law, a part of which punishment shall be disqualification to hold office.

Section 174. All property, whether owned by natural persons or corporations, shall be taxed in proportion to its value, unless exempted by this Constitution; and all corporate property shall pay the same rate of taxation paid by individual property. Nothing in this Constitution shall be construed to prevent the General Assembly from providing for taxation based on income, licenses or franchises.

Section 175. The power to tax property shall

not be surrendered or suspended by any contract or grant to which the Commonwealth shall be a party.

Section 176. The Commonwealth shall not assume the debt of any county, municipal corporation or political subdivision of the State, unless such debt shall have been contracted to defend itself in time of war, to repel invasion or to suppress insurrection.

Section 177. The credit of the Commonwealth shall not be given, pledged or loaned to any individual, company, corporation or association, municipality, or political subdivision of the State; nor shall the Commonwealth become an owner or stockholder in, nor make donation to, any company, association or corporation; nor shall the Commonwealth construct a railroad or other highway.

Section 178. All laws authorizing the borrowing of money by and on behalf of the Commonwealth, county or other political subdivision of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for no other purpose.

Section 179. The General Assembly shall not authorize any county or subdivision thereof, city, town, or incorporated district, to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association or individual, except for the purpose of constructing or maintaining bridges, turnpike roads, or gravel roads: Provided, If any municipal corporation shall offer to the Commonwealth any property or money for locating or building a Capitol, and the Commonwealth accepts such offer, the corporation may comply with the offer.

Section 180. The General Assembly may authorize the counties, cities or towns to levy a poll-tax not exceeding one dollar and fifty cents per head. Every act enacted by the General Assembly, and every ordinance and resolution passed by any county, city, town, or municipal board or local legislative body, levying a tax, shall specify distinctly the purpose for which said tax is levied, and no tax levied and collected for one purpose shall ever be devoted to another purpose.

Section 181. The General Assembly shall not impose taxes for the purposes of any county, city, town or other municipal corporation, but may, by general laws, confer on the proper authorities thereof, respectively, the power to assess and collect such taxes. The General Assembly may, by general laws only, provide for the payment of license fees on franchises, stock used for breeding purposes, the various trades, occupations and professions, or a special or excise tax; and may, by general laws, delegate the power to counties, towns, cities, and other municipal corporations, to impose and collect license fees on stock used for breeding purposes, on franchises, trades, occupations and professions.

Section 182. Nothing in this Constitution shall be construed to prevent the General Assembly from providing by law how railroads and railroad property shall be assessed and how taxes thereon shall be collected. And until otherwise provided, the present law on said subject shall remain in force.

EDUCATION.

Section 185. The General Assembly shall make propriate legislation, provide for an efficient system of common schools throughout the State.

Section 184. The bond of the Commonwealth issued in favor of the Board of Education for the sum of one million three hundred and twenty-seven thousand dollars shall constitute one bond of the Commonwealth in favor of the Board of Education, and this bond and the seventy-three thousand five hundred dollars of the stock in the Bank of Kentucky, held by the Board of Education, and its proceeds, shall be held inviolate for the purpose of sustaining the system of common schools. The interest and dividends of said fund, together with any sum which may be produced by taxation or otherwise for purposes of common school education, shall be appropriated to the common schools, and to no other purpose. No sum shall be raised or collected for education other than in common schools until the question of taxation is submitted to the legal voters, and the majority of the votes cast at said election shall be in favor of such taxation: Provided, The tax now imposed for educational purposes, and for the endowment and maintenance of the Agricultural and Mechanical College, shall remain until changed by law.

Section 185. The General Assembly shall make provision, by law, for the payment of the interest of said school fund, and may provide for the sale of the stock in the Bank of Kentucky; and in case of a sale of all or any part of said stock, the proceeds of sale shall be invested by the Sinking Fund Commissioners in other good interest-bearing stocks or bonds, which shall be subject to sale and reinvestment, from time to time, in like manner, and with the same restrictions, as provided with reference to the sale of the said stock in the Bank of Kentucky.

Section 186. Each county in the Commonwealth shall be entitled to its proportion of the school fund on its census of pupil children for each school year; and if the pro rata share of any school dis-

trict be not called for after the second school year, it shall be covered into the treasury and be placed to the credit of the school fund for general apportionment the following school year. The surplus now due the several counties shall remain a perpetual obligation against the Commonwealth for the benefit of said respective counties, for which the Commonwealth shall execute its bond, bearing interest at the rate of six per centum per annum, payable annually to the counties respectively entitled to the same, and in the proportion to which they are entitled, to be used exclusively in aid of common schools.

Section 187. In distributing the school fund no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained.

Section 188. So much of any moneys as may be received by the Commonwealth from the United States under the recent act of Congress refunding the direct tax shall become a part of the school fund, and be held as provided in section one hundred and eighty-four; but the General Assembly may authorize the use, by the Commonwealth, of the moneys so received or any part thereof, in which event a bond shall be executed to the Board of Education for the amount so used, which bond shall be held on the same terms and conditions, and subject to the provisions of section one hundred and eighty-four, concerning the bond therein referred to.

Section 189. No portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to, or used by, or in aid of, any church, sectarian or denominational school.

Corporations.

Section 190. No corporation in existence at the time of the adoption of this Constitution shall have the benefit of future legislation without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution.

Section 191. All existing charters or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place, and business been commenced in good faith at the time of the adoption of this Constitution, shall thereafter be void and of no effect.

Section 192. No corporation shall engage in business other than that expressly authorized by its charter, or the law under which it may have been or hereafter may be organized, nor shall it hold any real estate, except such as may be proper and necessary for carrying on its legitimate business, for a longer period than five years, under penalty of escheat.

Section 193. No corporation shall issue stock or bonds except for an equivalent in money paid or labor done, or property actually received and applied to the purposes for which such corporation was created, and neither labor nor property shall be received in payment of stock or bonds at a greater value than the market price at the time said labor was done or property delivered, and all fictitious increase of stock or indebtedness shall be void.

Section 194. All corporations formed under the laws of this State, or carrying on business in this State, shall, at all times, have one or more known places of business in this State, and an authorized agent or agents there, upon whom process may be executed, and the General Assembly shall enact laws to carry into effect the provisions of this section.

Section 195. The Commonwealth, in the exercise of the right of eminent domain, shall have and retain the same powers to take the property and franchises of incorporated companies for public use which it has and retains to take the property of individuals, and the exercise of the police powers of this Commonwealth shall never be abridged, nor so construed as to permit corporations to conduct their business in such manner as to infringe upon the equal rights of individuals.

Section 196. Transportation of freight and passengers by railroad, steamboat or other common carrier, shall be so regulated, by general law, as to prevent unjust discrimination. No common carrier shall be permitted to contract for relief from its common law liability.

Section 197. No railroad, steamboat or other common carrier, under heavy penalty to be fixed by the General Assembly, shall give a free pass or passes, or shall, at reduced rates not common to the public, sell tickets for transportation to any State, district, city, town or county officer, or member of the General Assembly, or Judge; and any State, district, city, town or county officer, or member of the General Assembly, or Judge, who shall accept or use a free pass or passes, or shall receive or use tickets or transportation at reduced rates not common to the public, shall forfeit his office. It shall be the duty of the General Assembly to enact laws to enforce the provisions of this section.

Section 198. It shall be the duty of the General Assembly from time to time, as necessity may require, to enact such laws as may be necessary to prevent all trusts, pools, combinations or other organizations, from combining to depreciate below its real value any article, or to enhance the cost of any article above its real value.

Section 199. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and said companies shall receive and transmit each other's messages without unreasonable delay or discrimination, and all such companies are hereby declared to be common carriers and subject to legislative control. Telephone companies operating exchanges in different towns or cities, or other public stations, shall receive and transmit each other's messages without unreasonable delay or discrimination. The General Assembly shall, by general laws of uniform operation, provide reasonable regulations to give full effect to this section. Nothing herein shall be construed to interfere with the rights of cities or towns to arrange and control their streets and alleys, and to designate the places at which, and the manner in which, the wires of such companies shall be erected or laid within the limits of such city or town.

Section 200. If any railroad, telegraph, express, or other corporation, organized under the laws of this Commonwealth, shall consolidate by sale or otherwise, with any railroad, telegraph, express or other corporation organized under the laws of any other State, the same shall not thereby become a foreign corporation, but the courts of this Commonwealth shall retain jurisdiction over that part of the corporate property within the limits of this State in all matters which may arise, as if said consolidation had not taken place.

Section 201. No railroad, telegraph, telephone, bridge or common carrier company shall consolidate its capital stock, franchises or property, or pool its earnings, in whole or in part, with any other railroad, telegraph, telephone, bridge or common carrier company, owning a parallel or competing line or structure, or acquire by purchase, lease or otherwise, any parallel or competing line or structure, or operate the same; nor shall any railroad company or other common carrier combine or make any contract with the owners of any vessel that leaves or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

Section 202. No corporation organized outside the limits of this State shall be allowed to transact business within the State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this Commonwealth.

Section 203. No corporation shall lease or alienate any franchise so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise, or any of its privileges.

Section 204. Any President, Director, Manager, Cashier or other officer of any banking institution or association for the deposit or loan of money, or any individual banker, who shall receive or assent to the receiving of deposits after he shall have knowledge of the fact that such banking institution or association or individual banker is insolvent, shall be individually responsible for such deposits so received, and shall be guilty of felony and subject to such punishment as shall be prescribed by law.

Section 205. The General Assembly shall, by general laws, provide for the revocation or forfeiture of the charters of all corporations guilty of abuse or misuse of their corporate powers, privileges or franchises, or whenever said corporations become detrimental to the interest and welfare of the Commonwealth or its citizens.

Section 206. All elevators or storehouses, where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses, subject to legislative control, and the General Assembly shall enact laws for the inspection of grain, tobacco and other produce, and for the protection of producers, shippers and receivers of grain, tobacco and other produce.

Section 207. In all elections for directors or managers of any corporation, each share-holder shall have the right to cast as many votes in the aggregate as he shall be entitled to vote in said company under its charter, multiplied by the number of directors or managers to be elected at such election; and each share-holder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute such votes among two or more candidates, and such directors or managers shall not be elected in any other manner.

Section 208. The word corporation as used in this Constitution shall embrace joint stock companies and associations.

RAILROADS AND COMMERCE.

Section 209. A commission is hereby established, to be known as "The Railroad Commission" which shall be composed of three Commissioners. During the session of the General Assembly which convenes in December, eighteen hundred and ninety-one, and before the first day of June, eighteen hundred and

ninety-two, the Governor shall appoint, by and with the advice and consent of the Senate, said three Commissioners, one from each Superior Court District as now established, and said appointees shall take their office at the expiration of the terms of the present incumbents. The Commissioners so appointed shall continue in office during the term of the present Governor, and until their successors are elected and qualified. At the regular election in eighteen hundred and ninety-five and every four years thereafter the Commissioners shall be elected, one in each Superior Court District, by the qualified voters thereof, at the same time and for the same term as the Governor. No person shall be eligible to said office unless he be, at the time of his election, at least thirty years of age, a citizen of Kentucky two years, and a resident of the district from which he is chosen one year, next preceding his election. Any vacancy in this office shall be filled as provided in section one hundred and fifty-two of this Constitution. The General Assembly may from time to time change said districts so as to equalize the population thereof; and may, if deemed expedient, require that the Commissioners be all elected by the qualified voters of the State at large. And if so required, one Commissioner shall be from each District. No person in the service of any railroad or common carrier company or corporation, or of any firm or association conducting business as a common carrier, or in anywise pecuniarily interested in such company corporation, firm or association, or in the railroad business, or as a common carrier, shall hold such office. The powers and duties of the Railroad Commissioners shall be regulated by law; and until otherwise provided by law, the Commission so created shall have the same powers and jurisdiction, perform the same duties, be subject to the same regulations, and receive the same compensation, as now conferred, prescribed and allowed by law to the existing Railroad Commissioners. The General Assembly may, for cause, address any of said Commissioners out of office by similar proceedings as in the case of Judges of the Court of Appeals; and the General Assembly shall enact laws to prevent the nonfeasance and misfeasance in office of said Commissioners, and to impose proper penalties therefor.

Section 210. No corporation engaged in the business of common carrier shall, directly or indirectly, own, manage, operate, or engage in any other business than that of a common carrier, or hold, own, lease or acquire directly or indirectly, mines, factories or timber, except such as shall be necessary to carry on its business; and the General Assembly shall enact laws to give effect to the provisions of this section.

Section 211. No railroad corporation organized under the laws of any other State, or of the United States, and doing business, or proposing to do business, in this State, shall be entitled to the benefit of the right of eminent domain or have power to acquire the right of way or real estate for depot or other uses, until it shall have become a body-corporate pursuant to and in accordance with the laws of this Commonwealth.

Section 212. The rolling stock and other movable property belonging to any railroad corporation or company in this State shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals. The earnings of any railroad company or corporation, and choses in action, money and personal property of all kinds belonging to it, in the hands, or under the control, of any officer, agent or employe of such corporation or company, shall be subject to process of attachment to the same extent and in the same manner, as like property of individuals when in the hands or under the control of other persons. Any such earnings, choses in action, money or other personal property may be subjected to the payment of any judgment against such corporation or company, in the same manner and to the same extent as such property of individuals in the hands of third persons.

Section 213. All railroad, transfer, belt lines and railway bridge companies, organized under the laws of Kentucky, or operating, maintaining or controlling any railroad, transfer, belt lines or bridges, or doing a railway business in this State, shall receive, transfer, deliver, and switch empty or loaded cars, and shall move, transport, receive, load or unload all the freight in car loads or less quantities, coming to or going from any railroad, transfer, belt line, bridge or siding thereon, with equal promptness and dispatch, and without any discrimination as to charges, preference, drawback or rebate in favor of any person, corporation, consignee or consignor, in any matter as to payment, transportation, handling or delivery; and shall so receive, deliver, transfer and transport all freight as above set forth, from and to any point where there is a physical connection between the tracks of said companies. But this section shall not be construed as requiring any such common carrier to allow the use of its tracks for the trains of another engaged in like business.

Section 214. No railway, transfer, belt line or railway bridge company shall make any exclusive or preferential contract or arrangement with any

individual, association or corporation, for the receipt, transfer, delivery, transportation, handling, care or custody of any freight, or for the conduct of any business as a common carrier.

Section 215. All railway, transfer, belt lines or railway bridge companies shall receive, load, unload, transport, haul, deliver and handle freight of the same class for all persons, associations or corporations from and to the same points and upon the same conditions, in the same manner and for the same charges, and for the same method of payment.

Section 216. All railway, transfer, belt lines or railway bridge companies shall allow the tracks of each other to unite, intersect and cross at any point where such union, intersection and crossing is reasonable or feasible.

Section 217. Any person, association or corporation, willfully or knowingly violating any of the provisions of sections two hundred and thirteen, two hundred and fourteen, two hundred and fifteen, or two hundred and sixteen, shall, upon conviction by a court of competent jurisdiction, for the first offense be fined two thousand dollars; for the second offense, five thousand dollars, and for the third offense, shall thereupon, ipso facto, forfeit its franchises, privileges or charter rights; and if such delinquent be a foreign corporation, it shall, ipso facto, forfeit its right to do business in this State; and the Attorney-General of the Commonwealth shall forthwith, upon notice of the violation of any of said provisions, institute proceedings to enforce the provisions of the aforesaid sections.

Section 218. It shall be unlawful for any person or corporation, owning or operating a railroad in this State, or any common carrier, to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of property of like kind, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier, or person or corporation, owning or operating a railroad in this State, to receive as great compensation for a shorter as for a longer distance: Provided, That upon application to the Railroad Commission, such common carrier, or person, or corporation owning or operating a railroad in this State, may in special cases, after investigation by the Commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers, or property; and the Commission may, from time to time, prescribe the extent to which such common carrier, or person or corporation, owning or operating a railroad in this State, may be relieved from the operations of this section.

The Militia.

Section 219. The militia of the Commonwealth of Kentucky shall consist of all able-bodied male residents of the State between the ages of eighteen and forty-five years, except such persons as may be exempted by the laws of the State or of the United States.

Section 220. The General Assembly shall provide for maintaining an organized militia; and may exempt from military service persons having conscientious scruples against bearing arms; but such persons shall pay an equivalent for such exemption.

Section 221. The organization, equipment and discipline of the militia shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

Section 222. All militia officers whose appointment is not herein otherwise provided for, shall be elected by persons subject to military duty within their respective companies, battalions, regiments or other commands, under such rules and regulations and for such terms, not exceeding four years, as the General Assembly may, from time to time, direct and establish. The Governor shall appoint an Adjutant-General and his other staff officers; the generals and commandants of regiments and battalions shall respectively appoint their staff officers, and the commandants of companies shall, subject to the approval of their regimental or battalion commanders, appoint their non-commissioned officers. The Governor shall have power to fill vacancies that may occur in elective offices by granting commissions which shall expire when such vacancies have been filled according to the provisions of this Constitution.

Section 223. The General Assembly shall provide for the safe-keeping of the public arms, military records, relics and banners of the Commonwealth of Kentucky.

General Provisions.

Section 224. The General Assembly shall provide by a general law what officers shall execute bond for the faithful discharge of their duties, and fix the liability therein.

Section 225. No armed person or bodies of men shall be brought into this State for the preservation of the peace or the suppression of domestic violence, except upon the application of the General Assembly,

or of the Governor when the General Assembly may not be in session.

Section 226. Lotteries and gift enterprises are forbidden, and no privileges shall be granted for such purposes, and none shall be exercised, and no schemes for similar purposes shall be allowed. The General Assembly shall enforce this section by proper penalties. All lottery privileges or charters heretofore granted are revoked.

Section 227. Judges of the County Court, Justices of the Peace, Sheriffs, Coroners, Surveyors, Jailers, Assessors, County Attorneys and Constables shall be subject to indictment or prosecution for misfeasance or malfeasance in office, or willful neglect in discharge of official duties, in such mode as may be prescribed by law; and upon conviction, his office shall become vacant, but such officer shall have the right of appeal to the Court of Appeals.

Section 228. Members of the General Assembly and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take the following oath or affirmation: I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability the office of ——— according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

Section 229. Treason against the Commonwealth shall consist only in levying war against it, or in adhering to its enemies giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or his own confession in open court.

Section 230. No money shall be drawn from the State Treasury, except in pursuance of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

Section 231. The General Assembly may, by law, direct in what manner and in what courts suits may be brought against the Commonwealth.

Section 232. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the General Assembly the most solemn appeal to God.

Section 233. All laws which, on the first day of June, one thousand seven hundred and ninety-two, were in force in the State of Virginia, and which are of a general nature and not local to that State, and not repugnant to this Constitution, nor to the laws which have been enacted by the General Assembly of this Commonwealth, shall be in force within this State until they shall be altered or repealed by the General Assembly.

Section 234. All civil officers for the State at large shall reside within the State, and all district, county, city or town officers shall reside within their respective districts, counties, cities or towns, and shall keep their offices at such places therein as may be required by law.

Section 235. The salaries of public officers shall not be changed during the terms for which they were elected; but it shall be the duty of the General Assembly to regulate, by a general law, in what cases and what deductions shall be made for neglect of official duties. This section shall apply to members of the General Assembly also.

Section 236. The General Assembly shall, by law, prescribe the time when the several officers authorized or directed by this Constitution to be elected or appointed, shall enter upon the duties of their respective offices, except where the time is fixed by this Constitution.

Section 237. No member of Congress, or person holding or exercising an office of trust or profit under the United States, or any of them, or under any foreign power, shall be eligible to hold or exercise any office of trust or profit under this Constitution, or the laws made in pursuance thereof.

Section 238. The General Assembly shall direct by law how persons who now are, or may hereafter become, sureties for public offices, may be relieved of or discharged from suretyship.

Section 239. Any person who shall, after the adoption of this Constitution, either directly or indirectly, give, accept or knowingly carry a challenge to any person or persons to fight in single combat, with a citizen of this State, with a deadly weapon, either in or out of the State, shall be deprived of the right to hold any office of honor or profit in this Commonwealth; and if said acts, or any of them, be committed within this State, the person or persons so committing them shall be further punished in such manner as the General Assembly may prescribe by law.

Section 240. The Governor shall have power, after five years from the time of the offense, to pardon any person who shall have participated in a duel as principal, second or otherwise, and to restore him to all the rights, privileges and immunities to which he was entitled before such participation. Upon presentation of such pardon the oath prescribed in section two hundred and twenty-eight shall be varied to suit the case.

Section 241. Whenever the death of a person shall result from an injury inflicted by negligence or wrongful act, then, in every such case, damages may be recovered for such death, from the corporations and persons so causing the same. Until otherwise provided by law, the action to recover such damages shall in all cases be prosecuted by the personal representative of the deceased person. The General Assembly may provide how the recovery shall go and to whom belong; and until such provision is made the same shall form part of the personal estate of the deceased person.

Section 242. Municipal and other corporations, and individuals invested with the privilege of taking private property for public use, shall make just compensation for property taken, injured or destroyed by them; which compensation shall be paid before such taking, or paid or secured, at the election of such corporation or individual, before such injury or destruction. The General Assembly shall not deprive any person of an appeal from any preliminary assessment of damages against any such corporation or individual made by Commissioners or otherwise; and upon appeal from such preliminary assessment, the amount of such damages shall, in all cases, be determined by a jury, according to the course of the common law.

Section 243. The General Assembly shall, by law, fix the minimum ages at which children may be employed in places dangerous to life or health, or injurious to morals; and shall provide adequate penalties for violations of such law.

Section 244. All wage-earners in this State employed in factories, mines, workshops, or by corporations, shall be paid for their labor in lawful money. The General Assembly shall prescribe adequate penalties for violations of this section.

Section 245. Upon the promulgation of this Constitution, the Governor shall appoint three persons, learned in the law, who shall be Commissioners to revise the statute laws of this Commonwealth, and prepare amendments thereto, to the end that the statute laws shall conform to and effectuate this Constitution. Such revision and amendments shall be laid before the next General Assembly for adoption or rejection, in whole or in part. The said Commissioners shall be allowed ten dollars each per day for their services, and also necessary stationery for the time during which they are actually employed; and upon their certificate the Auditor shall draw his warrant upon the Treasurer. They shall have the power to employ clerical assistants, at a compensation not exceeding ten dollars per day in the aggregate. If the Commissioners, or any of them, shall refuse to act, or a vacancy shall occur, the Governor shall appoint another or others in his or their place.

Section 246. No public officer, except the Governor, shall receive more than five thousand dollars per annum, as compensation for official services, independent of the compensation of legally authorized deputies and assistants, which shall be fixed and provided for by law. The General Assembly shall provide for the enforcement of this section by suitable penalties, one of which shall be forfeiture of office by any person violating its provisions.

Section 247. The printing and binding of the laws, journals, department reports, and all other public printing and binding, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum and under such regulations as may be prescribed by law. No member of the General Assembly, or officer of the Commonwealth, shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the Governor.

Section 248. A grand jury shall consist of twelve persons, nine of whom concurring, may find an indictment. In civil and misdemeanor cases, in courts inferior to the Circuit Courts, a jury shall consist of six persons. The General Assembly may provide that in any or all trials of civil actions in the Circuit Courts, three-fourths or more of the jurors concurring may return a verdict, which shall have the same force and effect as if rendered by the entire panel. But where a verdict is rendered by a less number than the whole jury, it shall be signed by all the jurors who agree to it.

Section 249. The House of Representatives of the General Assembly shall not elect, appoint, employ or pay for, exceeding one Chief Clerk, one Assistant Clerk, one Enrolling Clerk, one Sergeant-at-Arms, one Door-keeper, one Janitor, two Cloak-room Keepers and four Pages; and the Senate shall not elect, appoint, employ or pay for, exceeding one Chief Clerk, one Assistant Clerk, one Enrolling Clerk, one Sergeant-at-Arms, one Door-keeper, one Janitor, one Cloak-room Keeper and three Pages; and the General Assembly shall provide, by general

law, for fixing the per diem or salary of all of said employes.

Section 250. It shall be the duty of the General Assembly to enact such laws as shall be necessary and proper to decide differences by arbitrators, the arbitrators to be appointed by the parties who may choose that summary mode of adjustment.

Section 251. No action shall be maintained for possession of any lands lying within this State, where it is necessary for the claimant to rely for his recovery on any grant or patent issued by the Commonwealth of Virginia, or by the Commonwealth of Kentucky prior to the year one thousand eight hundred and twenty, against any person claiming such lands by possession to a well-defined boundary, under a title of record, unless such action shall be instituted within five years after this Constitution shall go into effect, or within five years after the occupant may take possession; but nothing herein shall be construed to affect any right, title or interest in lands acquired by virtue of adverse possession under the laws of this commonwealth.

Section 252. It shall be the duty of the General Assembly to provide by law, as soon as practicable, for the establishment and maintenance of an institution or institutions for the detention, correction, instruction and reformation of all persons under the age of eighteen years, convicted of such felonies and such misdemeanors as may be designated by law. Said institution shall be known as the "House of Reform."

Section 253. Persons convicted of felony and sentenced to confinement in the penitentiary shall be confined at labor within the walls of the penitentiary; and the General Assembly shall not have the power to authorize employment of convicts elsewhere, except upon the public works of the Commonwealth of Kentucky, or when, during pestilence or in case of the destruction of the prison buildings, they cannot be confined in the penitentiary.

Section 254. The Commonwealth shall maintain control of the discipline, and provide for all supplies, and for the sanitary condition of the convicts, and the labor only of convicts may be leased.

Section 255. The seat of government shall continue in the city of Frankfort, unless removed by a vote of two-thirds of each House of the first General Assembly which convenes after the adoption of this Constitution.

Mode of Revision.

Section 256. Amendments to this Constitution may be proposed in either House of the General Assembly at a regular session, and if such amendment or amendments shall be agreed to by three-fifths of all the members elected to each House, such proposed amendment or amendments, with the yeas and nays of the members of each House taken thereon, shall be entered in full in their respective journals. Then such proposed amendment or amendments shall be submitted to the voters of the State for their ratification or rejection at the next general election for members of the House of Representatives, the vote to be taken thereon in such manner as the General Assembly may provide, and to be certified by the officers of election to the Secretary of State in such manner as shall be provided by law, which vote shall be compared and certified by the same board authorized by law to compare the polls and give certificates of election to officers for the State at large. If it shall appear that a majority of the votes cast for and against an amendment at said election was for the amendment, then the same shall become a part of the Constitution of this Commonwealth, and shall be so proclaimed by the Governor, and published in such manner as the General Assembly may direct. Said amendments shall not be submitted at an election which occurs less than ninety days from the final passage of such proposed amendment or amendments. Not more than two amendments shall be voted upon at any one time. Nor shall the same amendment be again submitted within five years after submission. Said amendments shall be so submitted as to allow a separate vote on each, and no amendment shall relate to more than one subject. But no amendment shall be proposed by the first General Assembly which convenes after the adoption of this Constitution. The approval of the Governor shall not be necessary to any bill, order, resolution or vote of the General Assembly, proposing an amendment or amendments to this Constitution.

Section 257. Before an amendment shall be submitted to a vote, the Secretary of State shall cause such proposed amendment, and the time that the same is to be voted upon, to be published at least ninety days before the vote is to be taken thereon in such manner as may be prescribed by law.

Section 258. When a majority of all the members elected to each House of the General Assembly shall concur, by a yea and nay vote, to be entered upon their respective journals, in enacting a law to take the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending this Constitution, and such amendments as may have been made to the same, such law shall be spread upon their respective journals. If the next General Assembly

shall, in like manner, concur in such law, it shall provide for having a poll opened in each voting precinct in this State by the officers provided by law for holding general elections at the next ensuing regular election to be held for State officers or members of the House of Representatives, which does not occur within ninety days from the final passage of such law, at which time and places the votes of the qualified voters shall be taken for and against calling the Convention, in the same manner provided by law for taking votes in other State elections. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in State elections. If it shall appear that a majority voting on the proposition was for calling a Convention, and if the total number of votes cast for the calling of the Convention is equal to one-fourth of the number of qualified voters who voted at the last preceding general election in this State, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a Convention to readopt, revise or amend this Constitution, and such amendments as may have been made thereto.

Section 259. The Convention shall consist of as many delegates as there are members of the House of Representatives; and the delegates shall have the same qualifications and be elected from the same districts as said Representatives.

Section 260. Delegates to such convention shall be elected at the next general State election after the passage of the act calling the convention, which does not occur within less than ninety days; and they shall meet within ninety days after their election at the Capital of the State, and continue in session until their work is completed.

Section 261. The General Assembly, in the act calling the convention, shall provide for comparing the polls and giving certificates of election to the delegates elected, and provide for their compensation.

Section 262. The convention, when assembled, shall be the judge of the election and qualification of its members, and shall determine contested elections. But the General Assembly shall, in the act calling the convention, provide for taking testimony in such cases, and for issuing a writ of election in case of a tie.

Section 263. Before a vote is taken upon the question of calling a convention, the Secretary of State shall cause notice of the election to be published in such manner as may be provided by the act directing said vote to be taken.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in this Constitution, and in order to carry the same into complete operation, it is hereby declared and ordained:

First: That all laws of this Commonwealth in force at the time of the adoption of this Constitution, not inconsistent therewith, shall remain in full force until altered or repealed by the General Assembly; and all rights, actions, prosecutions, claims and contracts of the State, counties, individuals or bodies corporate, not inconsistent therewith, shall continue as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon its adoption, except that all laws which are inconsistent with such provisions as require legislation to enforce them shall remain in force until such legislation is had, but not longer than six years after the adoption of this Constitution, unless sooner amended or repealed by the General Assembly.

Second: That all recognizances, obligations and all other instruments entered into or executed before the adoption of this Constitution, to the State, or to any city, town, county or subdivision thereof, and all fines, taxes, penalties and forfeitures due or owing to this State, or to any city, town, county or subdivision thereof; and all writs, prosecutions, actions and causes of action, except as otherwise herein provided, shall continue and remain unaffected by the adoption of this Constitution. And all indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be prosecuted as if no change had taken place, except as otherwise provided in this Constitution.

Third: All circuit, chancery, criminal, law and equity, law, and Common Pleas Courts, as now constituted and organized by law, shall continue with their respective jurisdictions until the Judges of the Circuit Courts provided for in this Constitution shall have been elected and qualified, and shall then cease and determine; and the causes, actions and proceedings then pending in said first named courts, which are discontinued by this Constitution, shall be transferred to, and tried by, the Circuit Courts in the counties, respectively, in which said causes, actions and proceedings are pending.

Fourth: The Treasurer, Attorney-General, Auditor of Public Accounts, Superintendent of Public Instruction, and Register of the Land Office, elected in eighteen hundred and ninety-one, shall hold their offices until the first Monday in January, eighteen

hundred and ninety-six, and until the election and qualification of their successors. The Governor and Lieutenant-Governor elected in eighteen hundred and ninety-one shall hold their offices until the sixth Tuesday after the first Monday in November, eighteen hundred and ninety-five, and until their successors are elected and qualified. The Governor and Treasurer elected in eighteen hundred and ninety-one shall be ineligible to the succeeding term. The Governor elected in eighteen hundred and ninety-one may appoint a Secretary of State and a Commissioner of Agriculture, Labor and Statistics, as now provided, who shall hold their offices until their successors are elected and qualified, unless sooner removed by the Governor. The official bond of the present Treasurer shall be renewed at the expiration of two years from the time of his qualification.

Fifth: All officers who may be in office at the adoption of this Constitution, or who may be elected before the election of their successors, as provided in this Constitution, shall hold their respective offices until their successors are elected or appointed and qualified as provided in this Constitution.

Sixth: The quarterly courts created by this Constitution shall be the successors of the present statutory Quarterly Courts in the several counties of this State; and all suits, proceedings, prosecutions, records and judgments now pending or being in said last named courts shall, after the adoption of this Constitution, be transferred to the Quarterly Courts created by this Constitution, and shall proceed as though the same had been therein instituted.

ORDINANCE.

We, the representatives of the people of Kentucky, in Convention assembled, in their name and by their authority and in virtue of the power vested in us as Delegates from the counties and districts respectively affixed to our names, do ordain and proclaim the foregoing to be the Constitution of the Commonwealth of Kentucky from and after this date.

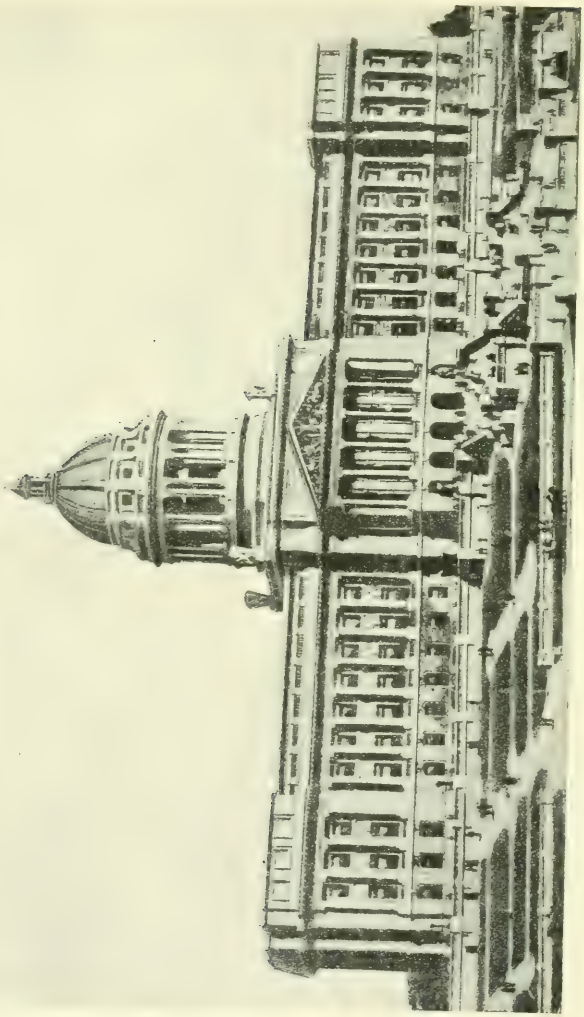
Done at Frankfort this twenty-eighth day of September, in the year of our Lord one thousand eight hundred and ninety-one, and in the one hundredth year of the Commonwealth.

CHAPTER LX.

Injurious Taxing System—Kentucky and Pennsylvania Systems Compared—Burden on Widows and Orphans—Prevents Practical Development.

The new Constitution of Kentucky given in the preceding chapter has proven, in the main, acceptable to the people, but there is an exception which has been the subject of much discussion—the system of taxation which has been characterized by high authority as "one of the crudest and most defective systems" in all the States. The system under which Kentucky labors known as the "general property tax" or "uniform advalorem tax" provides that every species of property visible or invisible, real or personal, must pay an annual tax at the same rate to the state, to the county, and to the city, based on its cash value. This is without regard to the income which it produces, or to the benefits which it derives from public improvements made out of the revenue raised by taxation and without deduction for debts owed upon any property or for any personal indebtedness of the taxpayer. It is, in brief, a tax on the gross assets and not on what the taxpayer actually owns in his own right. The result is that it paralyzes effort and is doubly hard on the poor man whose property, as a rule, is in such form that it cannot escape taxation, whereas the invisible and intangible property of the richer man does escape taxation. The system is inequitable and unfair. So high an authority as the supreme court of the United States has condemned the system as "destructive of the principle of uniformity and equality in taxation," stating with emphasis: "This court has repeatedly laid down this doctrine."

A State Revenue Revision committee through its chairman, Judge Cammack, in 1896, made this report: "After gathering together the revenue laws of nearly every state and territory we were astonished to learn that Kentucky possessed one of the crudest and most defective revenue systems of them all. Our laws relating to the assessment of property and the collection of taxes are abominable." The Taxation Revision committee, in 1909, pointed out, with great clearness and force, the injury the system is working to the commonwealth, and the absolute need of a change, indicating the method by which it could be effected. The report of the commission was approved by the governor, the lieutenant governor, the attorney general, the president of the State Farmer's Institute, by the leading business men of the state, and by the most prominent lawyers, one of whom had been a member of the constitutional convention which had inaugurated the system. The state senate acted upon the suggestions of the commission and, by a unanimous vote, adopted an amendment to the 171st section of the constitution, with a view to changing the system of taxation to one which should give equal and exact justice to the taxpayers, rich and poor alike. The senate also adopted a resolution providing for the appointment of a tax commission of eleven members, six from the house and five from the senate, with the president of the latter body and the speaker of the house, as ex officio members, whose duty it



Kentucky State Capitol, Frankfort, Ky.

should be to thoroughly investigate the system of taxation and report the result of their investigation.

For some inexplicable and indefensible reason, the house of representatives refused to concur in the action of the senate. By a vote of fifty-three in the negative, to twenty-five in the affirmative, the house declined to submit to the people, who are popularly supposed to be supreme, the amendment adopted by the senate. Twenty-two members of the house, through absence or otherwise, were not recorded as voting upon the proposed amendment, the most important subject, then and now, upon which the general assembly is called upon to vote. For this failure to safeguard the interests of their constituents, the people themselves are equally to blame with their representatives. Until better men, more representative men, are elected as members of the general assembly, better laws will not be enacted. So long as the best men of each of the parties remain away from the primaries or conventions, leaving the choice of their representatives to the professional politician, so long will mediocrity rule in the legislature. There are honorable exceptions in a few counties, but these send not enough leaven to leaven the whole loaf.

Comparison of the Kentucky system with that under which other states prosper, is proof conclusive of the need for a revision of the tax laws of the state. From the *Lexington Herald*, the following statistics are obtained: "Taking Fayette county as an illustration, the tax on each hundred dollars' worth of property is fifty cents for the state tax, fifty cents for the county tax, and one dollar and seventy-five cents for the city tax, a total of two dollars and seventy-five cents, irrespective of the tax-producing quality of the property assessed.

"In all the counties of the state the state tax is fifty cents, the average county tax from thirty to fifty cents, and the average tax in the cities is from one dollar and fifty cents to one dollar and ninety cents, a total of from two dollars and a half to three dollars on the property of those who reside in cities, and from eighty cents to a dollar or more on those who live in the country. All the property in Fayette county which is assessed pays taxes at the rate of one per cent. All the property in the city of Lexington pays taxes at the rate of two dollars and seventy-five cents."

For comparison it may be stated that in Pennsylvania there is no state tax whatever. In Allegheny county, in which is situated the city of Pittsburg, the county tax is twenty-seven cents on the hundred dollars. In Pittsburg the city tax is one dollar and twenty-five cents, and there is no state or county tax upon the property within the city limits. In Maryland the state tax is sixteen cents on the hundred dollars on real property. In Lexington, Kentucky, the state, county and city tax on manufactories is two dollars and seventy-five cents on the hundred dollars. In Pennsylvania there is no tax upon factory business, but a local tax on the real estate only as on all other real estate. The result is that in a decade Pennsylvania increased the output of her factories five hundred million dollars per year, and is now producing two thousand million dollars per annum, figures so startling as to be almost beyond belief. The total output of all factories in Kentucky, according to the last available report, is about $160,000,000 per year, about one-half of which is produced by factories in the county of Jefferson. Yet there are men biennially elected to the legislature of Kentucky who cannot see that the taxing system is a bad one, or that it is their duty to take steps for its improvement. Kentucky should be a great furniture, automobile and carriage manufacturing state, yet the timber cut from her yet-remaining great forests goes to Michigan, Indiana, Ohio and other more distant states, to be manufactured, and then shipped back here to be bought by the

people who formerly owned the timber and by those who would themselves be manufacturers did the laws of the state offer them encouragement. Under which system would the state receive the longer revenues—the system such as prevails in Pennsylvania or such a system as that which retards advancement in Kentucky? Pittsburg alone pays local taxes on $500,000,000 in round numbers, which almost equals the value of the property assessed for taxation in the entire state of Kentucky.

Merchants in Kentucky cities are required to pay taxes aggregating from two and one-half to three per cent of their gross assets. In Pennsylvania there is a license tax to the state, only requiring a wholesale merchant to pay fifty cents on each thousand dollars of sales. The result is that an immense jobbing and wholesale business has been built up in every section of Pennsylvania, many cities in that state doing as much wholesale business as is done by all the wholesale merchants of Kentucky outside the city of Louisville. In St. Louis, merchants and manufacturers pay a city license tax of one dollar per thousand dollars of sales per annum. It is universally recognized by those who are capable of giving the matter any thought at all, that a tax based on the volume of business transacted, is the fairest, because it is not only accurate but is paid.

In Kentucky capital in banks, savings institutions and all free capital on deposit, whether bearing interest and thereby producing income, or not, pays taxes amounting to two and one-half to three per cent per hundred dollars. In Pennsylvania, it pays forty cents on the hundred dollars to the state only. As a result a recent report of the state auditor of Pennsylvania, shows that the revenue to the state from banks, trust companies, etc., was $1,631,615, an increase in one year of $280,000. The revenue from other personalty at forty cents on the hundred dollars was nearly six million dollars and one can readily understand why, in closing his report, the auditor should say: "The revenues of the state appear to be ample. I deem it hardly necessary to suggest anything new to produce revenue." Kentucky could do as well under a like system but would, of course, collect a far smaller sum than Pennsylvania, for a less sum would be needed.

In Maryland the specific tax on interest-bearing securities is for city or county purposes, thirty cents on the hundred dollars; for the state, sixteen cents on the hundred dollars and this produced for the state, $460,000 in a single year. In Kentucky cities, with a tax rate of from two and one-half to three dollars on the hundred dollars, much of the tax is not collected, the inevitable result of such burden being that property is either put into non-taxable securities or is hidden. In Kentucky it is difficult for administrators, executors and trustees to make investments in securities which will meet the requirements of the courts and produce any reasonable income for the benefit of their trusts. It is impossible for them to do so, if the securities in which they invest are required to pay the onerous tax levied under existing law. The result is that widows and orphans whose assets are in the hands of trustees, who must make annual settlements with the courts, revealing the securities in which those assets are invested, pay an unreasonable proportion of the taxes. Under the laws of Kentucky mortgages on real estate are taxed at the same rate as the property mortgaged, which is double taxation of the most unjust and burdensome kind.

The west has been built up and made rich and powerful by eastern capital borrowed on mortgages for the improvement of farms and public development, and in those states only the land or the mortgage is taxed, never both, as in this state. The state of Louisiana, by recent amendment of its constitution, imposes no tax whatever upon mortgages on property

in the state which itself is taxed. The state of Washington levies no tax on mortgages on real estate, on the ground that it is unjust double taxation and against public policy. It levies no tax on money on deposit without interest, because of the tax paid by the banks to do business and because such a tax would drive money out of the state as it does out of Kentucky.

In Kentucky stock in foreign corporations, owned by citizens of the state, must pay taxes in the state at the full rate, though all the property represented by the stock owned is located in other states and pays taxes to them. Thus a resident of Covington, Kentucky, engaged in any business conducted by a corporation in Cincinnati, or elsewhere in Ohio, must pay taxes on his interest in that business in Ohio and again on the stock which represents that interest in Kentucky. The result is that no large owner of industrial or other stocks represented by property in other states can afford to live in Kentucky, and many of those who acquire such interests remove their residences from the state with the result that Kentucky has lost hundreds and hundreds of good citizens and many hundreds of thousands of dollars. The system of taxation is purely theoretical, utterly impracticable and unjust. It is injurious to the state, prevents development and is a failure in producing revenue, the ultimate purpose of all systems of taxation. A proper system would multiply taxable property and divide the burden, making lower tax rates possible and increasing the revenues for public improvements. Under such a system capital would be attracted rather than repelled as now; new population would follow; factories would be built where there are none now and the people of the state would be freer, happier and less burdened by the taxes now taken from them by an unjust and archaic system.

It has not been a pleasant task, the writing of this chapter, but it is a truthful presentation of a disagreeable fact from which no honest writer of history could hope to escape. The writer trusts that before many years shall have passed the conditions herein set forth may no longer exist and that the citizens of his native state may, with calmness and equanimity, look at the census reports without a blush of shame.

For much of the matter in this chapter, the writer acknowledges his indebtedness to Mr. Desha Breckinridge, the accomplished editor of the *Lexington Herald*, who has devoted much attention to this important subject.

CHAPTER LXI.

THE REAL KENTUCKY MOUNTAINEER—KENTUCKY SPEECH, THE PUREST ENGLISH—REGAL MEN AND WOMEN.

Thanks to the sensational newspaper correspondents, the impression very generally prevails that when the mountaineer of Kentucky is not lying in ambush, gun in hand, to slay his real or imagined enemy, he is busily engaged in making "moonshine" whisky, on which he is constitutionally opposed to paying the revenue tax imposed by the government. Both of these conceptions are erroneous. True it is that feuds have existed in the Kentucky Highlands and that men have been shot from ambush, but that was in the past. Human life is as safe in the mountains of Kentucky today as in the streets of any city in the land. That men in the mountains yet distil illicit whisky cannot be denied, but they do not do so to that extent which sensational newspapers represent. The truth is that the mountaineer, take him all-in-all, is a better man than those who traduce him in the newspapers. He has the best of blood in his veins, being of English, Scotch and Irish descent, with little or no admixture of other foreign blood. When his forefathers came out from Virginia and North Carolina, they found the mountains to their liking and rested there. Their descendants have remained where their fathers stopped. A true Highlander has little fondness for the lowlands and is not usually a wanderer. There was for years little change in the territory of the Allegheny plateau known as the Kentucky mountains. Churches and schools were few in number; of railroads there were none. The mountaineer lived a shut-in life and, unfortunately for himself, he was content, caring little for change and less for his advancement in the social or business life. His wants were few and his surroundings supplied those wants. If he went out into the greater world which lay beyond the hills and valleys of his home, his chiefest desire was to return.

Mr. C. E. Clark, a man born and reared in the heart of the mountains, who states that he never saw a railroad until he was fifteen years of age, and "considers the fact no disgrace," has written of his people as follows in the *Lexington Herald:* "The Kentucky mountaineer is not responsible for any condition that might have existed in the past or that may exist at the present; environment has made him what he is. One brother stopped short of the journey and settled in the hills, while the other brother pushed on to a region more favored by nature. The brother in the Blue Grass region progressed and made Kentucky famous in the nation's history; but the brother left behind continued to live the simple life of the early settler, meantime handing down its customs to the next generation with little or no improvement. While the brilliant lights of Kentucky culture shone forth in the life of the state and nation, not even the faintest scintillation was ever made visible in this secluded area of the highlands. Thus unnoticed by the world and the world unobserved by them, and scarcely heeding themselves, they dreamed away almost a century of their existence. But today the Kentucky mountaineer is wide awake. He began to rub his eyes and to look about himself over a quarter of a

century ago. Today he is fully aroused from this slumber, and in the dawning of a new day he is going forth to 'the world's broad field of battle,' all the stronger for having slept.

"Writers of description say that a description depends upon the viewpoint of the writer. Heretofore most writers on the Kentucky mountain region have taken the lofty position of critic, and from their high pedestal of self-goodness they have been prone to see the worst, the unique, the antique, and anything else that tickles the reader's ear. They have shut their eyes to the virtues and to the progress of the mountaineer, and have only seen those things in which a few of them differ from the rest of the world. They have magnified these points and minimized the nobler traits. They have pictured to the world an outlaw, whisky boozer and feudist as a typical mountaineer; but they are silent as to any better class of men. They snatch a picture of the rudest mountain hut and would have the reader believe it to be a typical mountain home; but they seem to be blind to seeing any better sort of home. Ask yourself the question: Is the meanest, vilest, poorest character in Lexington a typical Lexingtonian? Is the humblest tenant in the Blue Grass region a typical Blue Grass farmer? Is the humblest home in Lexington a typical Lexington home? God forbid! Yet many writers have been so unfair that they have taken the meanest character and the humblest home in the mountain region and have held them up before the public as a common type of all. In this respect a modest, simple people have been outraged, maligned and libeled beyond measure, and a cry of resentment has gone up all over the mountains. Let the writer say to the world that if courage, honesty and patriotism are signs of retrogression, then it were better if all America were retrograded.

"The mountaineer is tall, strong in physique and athletic in appearance. His facial features are indicative of intellect and resolution. His manners are rather abrupt, yet always in the spirit of kindness. In speaking forth his convictions he is absolutely fearless. He is affable and yet appears to possess an independence almost to the degree of arrogance. He is doggedly persistent in whatever he undertakes and would rather die than fall.

"A typical mountain woman gives the following description: 'The typical mountain woman is to be admired for beauty of form and face as much as for purity of character and manners. The average woman possesses medium height and weight; nor is she denied that crowning glory and beauty of the feminine kind—a wealth of shining hair which she wears in a simple coiffure becoming to her face. Her features are refined and delicate. Her expression reveals a high type of womanly grace and virtue. Nor is her style of dress still of the Maud Muller type in clean tattered rags and bare feet. In the typical mountain homes, the grown girls and women are never seen with their feet bare, and their dress is far from being a primitive style. She does not seek an early marriage as has been stated. She is usually married between the ages of eighteen and twenty-one to a husband between twenty and twenty-five. She sets a high price on her affections, as a true woman should. Her love betrays much of the romantic spirit. Simple love and not coquetry and flirtation leads to the matrimonial step.' The writer fully believes that the excellence of womankind can be found nowhere in the world in as great abundance as in the mountains of Kentucky.

"Within the past ten or fifteen years there has been a remarkable improvement in the public school of the mountains. As if by sudden transformation a new frame building has appeared where once stood the old log structure. Having visited a majority of the schools in a dozen or more counties, and the teachers' institutes in about as many, the writer feels that he can speak with authority. In an article

printed in the *Sunday Herald* of December 11th, written for the Royal Geographical Society by an English lady, conditions are set forth which do not now exist in the schools of the Kentucky highlands. If at that time, 1901, such conditions did exist, it was rare; or if they were general, a complete transformation had been made by the year 1911.

"The school houses, for the most part, are framed, one-roomed structures, weather board and ceiled. The log school house is becoming almost as rare as moonshine whisky. In Morgan county today there are two public high schools, two graded schools and a high class private school on the border. All the rural district schools have frame buildings; many of them have modern equipment. Moreover, several have libraries of a few of the choicest volumes. But there is still great room for improvement, and, if the educational spirit continues to remain intense, a few years hence will see the mountain youth enjoying opportunities side by side with the other youth of America. The term is six months, and is sometimes prolonged two months by subscription. The term opens in July and continues incessantly until the close, except a week or two in October during 'foddering time.'

"The teachers, on the average, represent the best blood of the mountains. In the industrial and farming sections of the state there are so many lucrative professions and occupations that the rural schools suffer sadly for want of teachers. But in the mountains teaching pays comparatively better than other occupations in which a young man or young woman might engage; therefore, many of them prepare to teach. The majority of the teachers are young men; they seem to use the profession as a stepping stone to something higher. The young men subsequently become physicians, dentists, lawyers, preachers and business men; and the young women, being candidates for matrimony, soon marry.

"It is to be hoped that these conditions may be bettered in the near future. The profession will have to be made sufficiently remunerative to hold the teacher for life. To do this, consolidation would be necessary, and this would be a greater problem in the mountains than elsewhere.

"In comparison with progress in other lines the progress of church building has been slow. Most of the churches are in the towns, the houses of worship being conspicuously absent throughout the country. In many communities the schoolhouse is yet used for a 'meetin' house,' but this custom is gradually disappearing. The mountaineer has not yet been educated to his duty in the giving of his substance either for the building of a church or for the support of the ministry. Churches have been built formerly by contributions from the church organization abroad, supplemented by a fund from the community itself. Many of the mountain people are diligent readers of the Bible. They have a simple and abiding faith in God's Word; to take it in any other way than literally, they deem sacrilegious. Many of them contend that the earth is flat and that the sun moves, for they say that 'The Bible says that Joshua commanded the sun to stan' still, and why would 'e commanded the sun to stan' still if it hadn't been a movin'.' However, this is the belief among the most ignorant classes. The majority of the mountain people never have entertained such a belief. Neither are they devotees to ancient customs or beliefs, as some writers would have you believe, but are ready at all times to accept as much twentieth century enlightenment as is consistent with faith in God. It was said in that same article above referred to that denominational prejudice is so strong that each 'denomination refuses to have anything to do with the other.' This is true in a few sections only, as in a majority of places they worship together. The writer knows of place after place where union Sunday schools are maintained, and where churches have been built

by a common fund contributed by all denominations represented in that particular community."

The author had permission from the writer of the above descriptions of his people to make use of them in this work, and regrets that lack of space prevents a reproduction of the entire article from which these extracts have been taken.

It has been frequently stated that the purest English of an earlier era than this is spoken by the Kentucky mountaineer. What was meant probably was that there are in use, in the mountains, many old English words and expressions no longer in common use among the masses of English speaking people. In this connection, there is reproduced here an article printed in a dispatch from Chicago by the *Washington Times* of May 10, 1906, under the heading: "Kentucky Speech is the Purest English:" "From the investigation of an English savant, Sir Jonathan Williams, it appears that the purest English is spoken in the state of Kentucky, rather than in London or any other part of the British isles or possessions. Sir Jonathan, who is a retired physician with ample means, became interested in the question of the purity of the English tongue several years ago, and has since spent much time in investigating English as it is spoken in many parts of the world. He has traveled through Australia, all of the different counties of England, Ireland and Scotland, and through many of the states of the Union, examining the peculiarities of the different pronunciations, and it is his conclusion that, so far as his researches have extended, the English which is nearest the correct standard is spoken by the citizens of the home of fast horses, good whisky and fair women. Whether the whisky, the horses or the fair women have the most to do with the purity of the tongue as spoken in the neighboring commonwealth of the south, Sir Jonathan declined to state.

"'I have been interested in dialectical English for many years,' said Sir Jonathan, on the occasion of a short visit to Chicago, on his way to San Francisco. Your ordinary Englishman of the isles is above all dialectical. The Londoner sticks a totally misplaced r on the end of words ending with a, such as idea, which to him is idear. The same is true of your New England. The southlands of America have a drawl which is totally misplaced. The northlands of your country have a nasal twang which is a joke to Englishmen.

"'It is only on the middle ground here in America that I have found the true English—the English of Shakespeare and Dr. Johnson—unmixed with dialectical absurdities or with peculiarities of expression. Slang, as such, I do not find in Kentucky and the neighboring regions along the Ohio and Mississippi rivers. Nor were the crudities of your western Americanisms so apparent there. The clipped and halting speech of Scotland comes nearer to the Kentucky English than any I have heard in my investigations. Australia is overlaid with a slang which is worse than the worst of your west. Your east is imitative of cockneyisms, unnatural, and therefore un-English. In England itself the best English is not that of Oxfordshire or Cambridgeshire, but of Kent and the southern downs. This, however, does not approach in purity of diction, clearness or enunciation and adhesion to classical forms as does the English of your middle west, which is neither your north nor your south, your east nor your west. I have found in the city of Louisville a pronunciation and a use of terms which is nearer, in my mind, to Addison and the English classicists than anything which the counties of England, the provinces of Australia or the marches of Scotland can offer.'

"When asked what he considered the reasons for the purity of the English of the Ohio valley, Sir Jonathan was at somewhat of a loss. 'I cannot explain it, unless it is that modernizing tendencies have had less effect

there, the people read fewer slangy books, are closer students of the older classics, and hold their home language accordingly.'"

While glorifying Kentucky as to the purity of its English, it seems proper to conclude this chapter with a word about the state's men and women, the noblest and truest contribution to the glory of the world. In the *London Daily Mail* in October, 1906, Mr. Bart Kennedy, an English litterateur of much repute, wrote the following tribute to the people of Kentucky, and especially to the incomparable women of the state:

"At one stretch I lived in the states more than eleven years, and in that time I was in every state in the Union. The Kentuckians are undoubtedly the finest people in the states; and in some respects they are the finest people in the world. They carry about them an atmosphere of manners and breeding. And, though they speak with a very long drawl, their voices have not the harshness of the voices of Americans of the east. The men are big and powerful, but their bodies have not the compactness of build that belongs to the best physical Englishmen. They are loose limbed, and some of them might be described as lanky. But they have that curious look and poise that goes with innate physical power; and they have that jaunty set of the head, and hard straight glance of the eye, that denotes independence and courage. I should say that there is a greater proportion of absolute fighters among these Kentuckians than there is among any race in the world—not even excepting the English. Almost every man you see has that jaunty fighting set of the head.

"They are out-of-door people. The blessings of commerce have not yet spoiled Kentucky. They are people of the open air, the fields and woods and mountains—men who can at once handle a gun and a plow. Even their professional class have this fine outdoors air. I will go so far as to say that even their lawyers look less dishonest than lawyers of other races. A Kentucky lawyer would at least leave his victim some shreds of skin.

"Their manners are at once free and easy and courteous; and they have a fine Arab sense of hospitality. The stranger is well received, even though he may have nothing to recommend him but his appearance, and the ready words to present himself in a vivid and striking light. These Kentuckians are wise enough to know that suspicions are, as a rule, but the reflections of one's own meanness. And still you feel that there is about them a sense of reserve; but this reserve is in no sense related to the disconcerting English reserve. Perhaps reserve is hardly the word to apply to this quality of conservatism among them. It rather is that, with all their freeness and easiness, they are still self-poised and self-contained. They are as a people who are sure of themselves. And here I must use the word that I dislike to use, but it is the only word that will express my exact meaning to English people. The Kentuckians strike you as being gentlemen.

"In Kentucky you will find women who are among the most beautiful in the world—tall, handsome, well-grown, Greek-looking women; and, if I may be allowed to say so, they correct the physical fault of lankiness that the observer may note here and there in the men. When a Kentucky woman is beautiful, she is absolutely perfection. The eye is offended by no inharmonious lines. It is disappointing to see a woman who is what might be called half or three-quarters beautiful. I personally would as soon have a woman who was frankly plain.

"The general effect of a beautiful woman in Kentucky might be likened to the effect produced by a beautiful woman of England. There is the same gracefulness and ease and sense of regalness. She has not the obviousness and nervous endeavoring to appear effective before men that too often spoils other types of American beauty."

CHAPTER LXII.

BURLEY AND DARK TOBACCO DISTRICTS—TOBACCO TRUSTS AND GROWERS—THE FARMERS COMBINE—SUITS AGAINST THE BURLEY TOBACCO SOCIETY—OUTRAGES OF "NIGHT RIDERS."

Kentucky has long held the prestige of being the greatest producer of high-grade tobacco in the world, while Louisville has been the natural market for its sale, there being a greater number of hogsheads sold annually there than in perhaps all the other markets in the Union. Buyers representing many foreign governments constantly watch the tobacco auction sales with the result that many thousands of hogsheads are annually shipped abroad. Kentucky produces the finest white Burley tobacco grown. Its place of growth is chiefly known as the Blue Grass land where formerly hemp was the chief crop on the lands now, and for a quarter of a century past, devoted to the raising of tobacco. If hemp was not grown, the land was largely devoted to pasturage and there has been many a protest made against the growing of tobacco in that favored region, one of the charms of which was its green pastures surpassed in beauty nowhere on earth unless it be in England where, for hundreds of years, the farmers have kept intact their grazing land.

In the Western part of the state, Burley tobacco, owing to a difference in soil and the underlying geological formation, cannot be successfully grown, nor is it longer attempted. There a darker and heavier leaf is grown which gives to that section the name of the "Dark Tobacco District," the tobacco grown there being as popular in its class as is the Burley product in its especial field, the two appealing to a different class of buyers, not being in conflict in the markets.

For years the tobacco grower was at the mercy of the American Tobacco Company, a vast corporation which so depreciated the prices paid for the products of the grower that the latter often found himself at the end of a year of strenuous labor, poorer than when he began the growing of his crop. It has been charged that there was a concert of action between the buyers for the American Tobacco Company and those buyers who independent of that company, bought for themselves or for independent tobacco manufacturers. Whether this charge is true, is not entirely susceptible of proof and is quoted here as illustrating the conditions which drove the tobacco growers into combinations in self-defense. Some one has said that the tobacco grower's year consists of thirteen months, every one of which is crowded full of hard labor. None can blame the farmer when he protested against the operations of a trust which gave him an inadequate return for this labor. The trust not only frequented the open markets, through its agents, but its buyers covered the tobacco growing field and, taking advantage of the growers' necessities, bought their tobacco at ruinously low prices. If the price offered by the first buyer was rejected, he would be followed by a second buyer in the same employ who, being informed by his associate buyer as to the price first offered, would tender a still lower price. The farmer would either be forced to accept this offer, or send his tobacco to market where the trust buyers, still holding the unfortunate producer at their mercy,

would probably secure his crop at a lower rate per pound than he had been offered for it while it hung in his barn at home. The necessities of the tobacco grower were the opportunity of the trust buyers.

Much of the tobacco grown in Kentucky is the product of a system of tenantry and this is especially true of the Burley district. The farmers there knew nothing about the details of tobacco growing when they took up the Burley culture. The result was that men from other tobacco-growing sections of the state, poured onto the Blue Grass region and made contracts with the owners of the land to raise so many acres of tobacco "on shares," as these contracts read; that is, the tenant was to receive a certain percentage of the money for which the crop was sold. These tenants were poor men and the land owners were forced by their contracts to furnish to them and their families, certain needed supplies during the growing of the crop. This was a condition which forced an early sale of the crop at whatever price was obtainable. The tenant being a poor man could not long wait for a return upon the hard labor himself and family had put into the growing of the crop and its preparation for market. The land owner himself, perhaps, was in need of money, and this combination of circumstances put the grower and his tenants at the mercy of the trust. This intolerable condition led to a combination of the farmers of the Dark district known as the American Society of Equity; in the Burley district the associated growers were known as the Burley Tobacco Society.

One long connected with this latter society, has written: "The effort of the Burley Tobacco Society is to maintain a fair and comparatively even price for tobacco; to avoid deceiving, misleading and unwholesome fluctuations and to put the farmer into a position to know the conditions with reference to supply and demand. Hitherto, the farmer had no dependable information as to the amount of tobacco available. Even the department of agriculture, at Washington, ostensibly maintained for the farmers' advantage, had more often been used to his disadvantage. It gives the manufacturers' definite statement of the condition of the farmers' business, but makes no disclosures concerning the manufacturers' business—no more does the internal revenue division. The farmer's business is an open page which he who runs may read. The trust agent knows how much land he owns; how much of it will produce tobacco; how many barns he has; the capacity of each barn, and the condition of the crops from seed-time to selling-time. In other words, the buyer plays the game with a full knowledge of the farmer's hand, while the farmer is in the dark as to the real needs of the manufacturers. The farmer is scared into taking any kind of a price by cries of 'surplus' and 'over-production'; then about seeding time, he is encouraged by spasmodic jumps in prices to overplant, though these jumps in prices usually come after the tobacco of the previous crop has left the farmer's hands."

This is a fair statement of the conditions which brought about the formation of the two associations of tobacco growers before referred to. The members of these associations, learning from experience what a combination of buyers and manufacturers could do, concluded that a farmers' trust would probably operate to their advantage, as it did. They pooled the crops, deposited their tobacco in warehouses and calmly sat down to see what the other bigger trust was going to do. The banks of the tobacco-growing districts came to the assistance of "the embattled farmers," cheerfully loaning them money upon their warehouse receipts, and the situation rapidly grew interesting to the tobacco trust as its supplies were becoming exhausted and there was not enough tobacco upon the market to meet their needs.

Suits were brought against the Burley To-

bacco Society as a monopoly and therefore a combination in restraint of trade. This charge, if admitted to be true, showed only that "fighting the devil with his own fire" was the intent of the people who, for years, had been at the mercy of the Tobacco Trust. The same conditions existed in the Dark Tobacco district. A writer in the interest of the Burley Growers said in a published statement: "When it is charged that the Burley Tobacco Society held a monopoly of Burley tobacco been able to supply himself at the price indicated. Since this price is less than the cost of production, no greater justification could be advanced for the existence of the Burley Tobacco Society. The manufacturer's purpose with reference to the growers is clearly set forth in the plaintiff's petition. Since one farmer alone would be utterly powerless to prosecute a successful suit for damages against the manufacturers' combination, and since a suit for dissolution could have been



A Tobacco Farm

in November, 1908, it should be remembered that the growers in the pool had been holding their tobacco since October, 1906. If this be called a monopoly then any man who is the last to sell in any given year, has a monopoly. It was the last tobacco bought, but not therefore a monopoly. The plaintiff in one of the suits against the Burley Society alleged that for some years prior to the organization of the society, he had been able to supply himself with what tobacco he needed at about forty per cent of what he was obliged to pay the Burley Tobacco Society and that if the society had not existed in 1908, he would have brought only by the federal government, what possible method of relief or redress was open to the farmers save some such plan as was embodied in the Burley Tobacco Society?"

The sympathies of the general public were with the tobacco growers until unfortunate events operated to lessen that feeling. Into the pools formed in the two districts all the tobacco growers did not go. Those remaining apart from the pools, for one reason or another, claimed the right to sell their tobacco when and where and at what price they pleased—a right which no reasonable person would deny them. These men were known

as Independents and early incurred the displeasure of many of those who had entered into pooling arrangements, and from this displeasure there grew a dark chapter in the history of the state. Secret organizations known as "Night Riders" were formed and, under the cover of darkness and disguises, these men wreaked a terrible vengeance upon such persons as had exercised their right to dispose of the fruits of their labor as to them seemed best. Men were taken from their homes at night by these "Night Riders" and whipped and otherwise maltreated; some, fearing for their lives, joined the organization; others, refusing to do so, left the state, finding homes elsewhere. In December, 1907, a band of disguised men, swept down upon the little city of Hopkinsville, burning property valued at many thousands of dollars, firing into business houses and residences of those whose manhood had prompted them to oppose their former unlawful proceeding. The marauders at Hopkinsville were followed from that town by a body of the outraged citizens who fired upon them and, as has been claimed, killed one of their number—a claim which every right minded citizen must hope was justified by the facts. At Pembroke, in Christian county, like outrages were perpetrated; as was the case also at Cerulean Springs, in Trigg, where a railroad depot was burned in revenge for the acceptance by the railroad company of tobacco shipped to market by independent farmers. In Nicholas county in the Burley district, Joel Hedges, a poor man with a large family, and an independent, was called from his home in the night time and ruthlessly murdered in the presence of his family. The perpetrators of this murder have never been found and punished, nor have those who raided Hopkinsville, Pembroke, Cerulean Springs and other places in western Kentucky, though the governor promptly offered rewards for their arrest and conviction.

The situation became so acute and life, in the Dark district especially, so unsafe, that Governor Willson called out the armed force of the state and kept a military guard on duty for many months, such call being justified by the fact that after the coming into the field of the militia, the outrages which had humiliated good citizens, became infrequent and finally ceased altogether. The Governor has been censured in certain quarters for calling the armed forces of the state to the support of the civil authorities, but the end, in this instance, justified the means, since it brought safety and peace to a section where anarchy and outlawing had, for a time, existed. Partisanship had something to do with the criticism of the Governor; sympathy with the outlaws was also the cause of denunciation of his action, but he had sworn to execute the laws of his state and, if no other action of his administration were commendable, he can look back with pleasant reflections upon the suppression of outlawry. This is a chapter in the history of the state, the writing of which brings no pleasure, but justice demanded that it be written and those who may object to the story here told, are left to reflect upon whether they have stood for peace and quiet, or have sympathized with lawless men whose actions were characteristic of the wildest savage rather than of enlightened men. Whatever may have been the burdens placed upon the tobacco grower by the trust, and they were many and grievous, they did not justify an appeal to passion and force, to savage use of the whip and the torch. The "Night Riders" are today a thing of the past, peace rules in the tobaccogrowing sections, but it is too much to believe that in the hearts of those who led their fellowmen into savagery, such a thing as peace is known. Conscience doth make cowards of us all, and its scorpion whips must make miserable the lives of these men. They have seared their own souls and violated the laws of God

and man. To the punishment that comes after, they are left with the reflection that while they have escaped punishment by the state, there is a Higher Power from whose decrees there is no escape.

CHAPTER LXIII.

First Democratic Defeat Since the War—Goebel to the Front—His Gubernatorial Opponents—The Unsavory "Music Hall Convention"—Taylor Offically Declared Elected—Goebel Contests the Election—Intimidation (?) of Voters—Goebel Assassinated—Assembly Declares Him Elected—Death of Mr. Goebel—The Murder's Aftermath—Election Only Partially Void.

It has not been the purpose of this recital of events in Kentucky to take up each quadrennial election, showing who were candidates on the tickets of the respective parties for governor and the subordinate offices. The Democratic party for many years following the close of the war and the rehabilitation of the former Confederate soldier as a voter held undisputed sway in the State, and its candidates were regularly elected. Colonel McCreary succeeded Hon. Preston H. Leslie as governor in 1875, and was himself succeeded by Dr. Luke P. Blackburn, who was swept into office by a sympathetic wave, on account of his professional services to victims of yellow fever, he having bravely gone into the towns in the western part of the state where that dread disease raged most fiercely and given his best services to the sufferers, regardless of himself or the danger which he faced. He was succeeded by Hon. J. Proctor Knott, but recently deceased as these words are written. He, in turn, was succeeded by Gen. Simon Bolivar Buckner, who, during his term as governor, was honored by his native county of Hart by being elected a delegate to the constitutional convention, in which he served as a quiet, dignified member, rendering far better service to the state than those delegates who were constantly on their feet and eternally speaking. While a delegate he also kept abreast with his official duties as governor and, at the end of his term, retired with the respect and esteem of men of all parties. He was succeeded as governor by Hon. John Young Brown, who had served in congress and established a reputation for oratory in keeping with his Kentucky birth and training.

When the time approached to choose a successor to Governor Brown, the leading Democratic candidate was Hon. P. W. Hardin, who had been the contending candidate against Governor Brown. Mr. Hardin had served for twelve years as attorney general, was a successful political orator in much demand during the campaigns of his party, and had a wide acquaintance in the state. He easily secured the Democratic nomination over Cassius M. Clay, Jr., who had been president of the constitutional convention. The free silver idea was just coming into prominence in 1895, and Mr. Hardin was one of its forceful advocates. Strangely enough, the convention which nominated Mr. Hardin, a strong free silver-man, for governor, gave him as a platform on which to make the contest, a pronounced sound money, or "Gold Bug" plank. Mr. Hardin accepted the nomination and presumably the platform, but, in the opening address of his campaign, he left no one in doubt as to his opinions—he was in favor of "the free coinage of silver at a ratio of sixteen to one" and did not care

who knew it. There was consternation in the Democratic ranks, and a defeat of the ticket was confidently predicted by all in whose views the virus of free silver had not found lodgement.

The Republicans nominated Hon. William O. Bradley, who was easily the most prominent man in the party in the state. He had several times led the forlorn hope of his party as a candidate for congress or for governor, and had been defeated for the latter office by General Buckner. Like Mr. Hardin, he had a wide acquaintance and was also an experienced and eloquent campaign orator. After a spirited contest, Mr. Bradley and the entire Republican state ticket were elected, the Democrats thus experiencing their first defeat in a state campaign since the close of the war.

During the Bradley administration there came strongly to the front in Kentucky a young man of German parentage, a native of Pennsylvania, but reared principally in Kentucky—William Goebel of Covington. Mr. Goebel began his political career as a member of the general assembly, serving first in the house and afterwards in the senate and as a delegate in the constitutional convention. He was a cold, phlegmatic, forceful man whom it seemed, no condition or circumstances could excite. When such men are ambitious, as was Mr. Goebel, they become dangerous political antagonists, especially when they are skilled in the arts of the politician. Serving in the senate while Mr. Bradley was governor, Mr. Goebel secured the passage by the general assembly of an election bill which met the disapproval of the governor, but was passed over his veto. This bill was objectionable to many Democrats, the *Courier Journal* daily thundering against it, characterizing it as a measure which removed every element of doubt as to the result of future elections. As the Bradley administration drew to a close, Mr. Goebel announced his candidacy for governor, the principle plank in his personal platform being intense opposition to corporations, the Louisville and Nashville Railroad being one of the chief objects of his denunciation.

Opposing Mr. Goebel, were Hon. P. Nat Hardin, who, for the third time, was seeking the nomination, and Hon. W. J. Stone, a one-legged Confederate veteran who had acceptably served several terms in congress. These three came to the Louisville convention with Hardin in the lead in instructed votes, Stone second and Goebel third. The convention which ensued lasted for several days and has passed into unpleasant history as the "Music Hall Convention" of most unsavory memory.

Though Goebel was in the minority, he secured the permanent chairmanship, placing in the chair Judge D. B. Redwine. The proceedings were such as were never before, nor since, seen in a political convention in Kentucky. Delegations bearing indisputable credentials from their county conventions were ruthlessly unseated; the rights of candidates for the minor positions on the ticket were utterly disregarded; in one instance a candidate for secretary of state was robbed of the support of the delegation from his home county which had unanimously instructed its delegates to vote for him. Contests were arranged on the spur of the moment, which had never been dreamed of before the meeting of the state convention. Scenes of the wildest disorder marked the proceedings and it became necessary to station in the hall, where the delegates were assembled, a large body of police to preserve at least a semblance of order. Mr. Goebel, the third man in the contest, was the superior in political shrewdness of his two opponents combined. The chairman was his subservient supporter; he had the committee on credentials under his guidance and swept aside, with a wave of his powerful hand, delegations which had been instructed for Hardin or Stone, supplying

their places with men of his own choosing. Of course under these circumstances, Mr. Goebel was nominated, while Hardin and Stone went home to nurse their bruises and wonder how they had happened to get hurt in what they had reason, at first, to believe was the household of their friends. The Machiavellian strategy of Mr. Goebel, aided by a chairman who knew in whom he trusted, was too much for the self-willed obstinate Hardin and the gentler and trusting Stone, the latter of whom was utterly lost in the game of politics as it was played in the Music Hall convention.

The Republicans nominated for governor, W. S. Taylor, attorney general of the state, who had been elected to that position when Mr. Bradley was chosen as governor. When the thought came to Taylor that he might be nominated for and elected Governor of Kentucky, it is probable that he enjoyed a complete monopoly in that belief. But he had a certain degree of political shrewdness, which was later to utterly fail him in a time of stress and storm. He had been in office for nearly four years and had met at Frankfort during that time the leading men of his party from all section of the state, and before the real leaders of the party were fully aware of what was going on he had built up a political machine which ultimately led to his nomination for governor, a most unfortunate selection as after events proved. The contest was a close one, and in doubt until the official count was made; and the count showed that Taylor was elected and with him, the entire Republican ticket. The official certificate of Mr. Taylor's election is as follows:

"COMMONWEALTH OF KENTUCKY.

"FRANKFORT, December 9, 1899.

"The undersigned, a Board for examining and canvassing the returns of an election held on Tuesday, the 7th day of November, 1899, for Governor of the State of Kentucky, do certify that William S. Taylor received the highest number of the votes given for that office, as certified to the Secretary of State, and is therefore duly elected for the term prescribed by the Constitution.

"Signed: WILLIAM S. PRYOR, Chairman.
"W. T. ELLIS, Member.

"State Board of Election Commissioners for the Commonwealth of Kentucky.

"Attest: C. P. CHENAULT, Secretary State Board of Election Commissioners.

"[A copy]. BEN L. BRUNER, Secretary of State.
By "W. S. BALL, Assistant Secretary of State.

"The official vote, as certified by the above Election Commissioners, was as follows: Goebel, 191,331, and Taylor, 193,714.

"Attest: W. S. BALL, Assistant Secretary of State."

Mr. Charles B. Poyntz, one of the election commissioners, refused to join with his associates in signing the certificate of Mr. Taylor's election, but this refusal in no wise affected the validity of that document. Hon. William S. Pryor, the chairman of the board, was then, as he is at this writing, one of the best beloved men in the state. For many years he had sat upon the bench of the court of appeals, and has always enjoyed the fullest confidence and affectionate regard of the many thousands who know him. Mr. Ellis, though less widely known, was a man of the same high character as Judge Pryor. A gallant soldier in the Confederate army and for years a conspicuous and able member of the national congress, he was and is a man not to be swayed from his duty by any partisan consideration.

Mr. Goebel recognized his defeat and announced his intention to at once leave for a visit to his invalid brother in Arizona, where, in addition to this brotherly duty, he hoped to secure rest from the arduous canvass through which he had just passed.

Mr. Taylor was in due time inaugurated as governor, succeeding Governor Bradley. The people of Kentucky, without regard to party, were tired of political turmoil and with the peaceful inauguration of Governor Taylor, they settled themselves to that restfulness to which they felt entitled. But there was to be

a rude awakening. The new governor had scarcely taken his seat until a party of men, prominent in the Democratic Councils of the state, met at Frankfort and decided, in effect, that the Election Board had made an untenable certification and that the election of Taylor should be contested before the legislature which was to assemble in the coming January. This programme was carried out and on the second day of the session of the general assembly, which was composed of a Democratic majority in both house and senate, a formal notice of contest was offered, in which it was set forth that William Goebel had received a majority of the legal votes cast at the November election in 1899 and was therefore entitled to be seated as governor. In the notice of contest it was declared that at "said election held in the counties of Knox, Jackson, Magoffin, Pike, Martin, Owsley, Lewis, Carter, Pulaski, Bell, Clinton, Russell Adair, Harlan, Casey, Wayne, Whitley, Todd, Caldwell, Crittenden, Perry, Muhlenberg, Metcalfe, Butler Letcher, Leslie, Lee, Laurel, Hart, Greenup, Grayson, Estill, Edmondson, Cumberland Clay, Breckinridge, Boyd and Allen, and in each precinct thereof, all the official ballots were so thin and transparent that the stencil marks made thereon by the voters could be distinguished from the back of said ballots, that none of the said ballots used in said counties were printed upon plain white paper sufficiently thick to prevent the printing from being distinguished from the back of the said ballots whereby the secrecy of the said ballots was destroyed and said election in all of said counties rendered void, and the pretended vote thereof should not be counted in ascertaining the result of the election in this commonwealth.

"That the said alleged election held in the county of Jefferson and the city of Louisville on the 7th day of November, 1899, was and is void because the contestant says on the day before the said election, the governor of the commonwealth unlawfully called the military forces of the state into active service in said city, armed with rifles, bayonets and gatling guns for the purpose of overawing, intimidating and keeping Democratic voters from the polls thereof, and did, himself, in violation of the laws of the land, go to the said city and county the day before said election and assume direction and command of the said military forces and ordered and directed them to go, and they did go in obedience to said order, to the polling places in said city on the day of said election and thereby many thousand voters, to-wit, more than enough to have changed the result of the said election, were intimidated and alarmed and failed and refused to go to the polls or to vote on said day; that for this cause, the said election in the city of Louisville and county of Jefferson was not free and equal, but is void, and the said alleged votes cast thereat should not be counted."

It is a fact that each of the counties named as having voted on what came to be called but wrongly, "tissue ballots," had given majorities to the Republican ticket as had the city of Louisville. The writer of these words was in Louisville and cast his vote at the said election; he saw not a single soldier during the day though on the streets frequently, nor was there any attempt by any person to overawe, intimidate, alarm or make him afraid. The *Courier-Journal* on the morning after the election testified to the good order and quietude which had prevailed at the polls. The governor had been advised, it may be by indiscreet or easily alarmed persons, that there was a probability that extreme disorder might prevail at the election and in consequence, he ordered the Louisville Legion under arms, but they were kept in barracks; did not go to the polls while the election was in progress nor intimidate any voter. It is extremely doubtful if one person in each hundred in the city of Louisville knew that the Legion was in barracks.

There were other grounds for the contest; one to the effect that Sterling B. Toney, a Judge of a Circuit Court had without authority of law issued an order, on application therefor, that certain persons should be admitted to the polling places after the votes had been cast, to witness the counting thereof.

"Another count was to the effect that the Louisville and Nashville railroad company had intimidated many thousand voters who were in the employ of that company. It was further charged that the railroad company and other corporations had agreed to raise large sums of money to be used in the defeat of the contestant. These constitute the chief grounds for the contest, the remaining grounds being in large part, a repetition in different form, of what had gone before.

In due time, members of the contest committee were drawn from a box containing slips on which were the names of all the members of the house in which body there were a number of Republican members. By some strange combination of circumstances, none but the names of Democrats were drawn, in this fateful lottery, with the exception of one man, Mr. Yarberry. The gentlemen thus selected to form the committee to hear and determine the contest were Representatives G. W. Hickman, M. R. Yarberry, Abram Renick, H. B. Lyon, G. T. Berry, G. T. Finn, M. H. Sledge, and E. E. Barton—all being Democrats, with the exception above noted.

In the senate the following members were drawn in like manner for service on said contest committee. Newton Frazier, R. C. Crenshaw and J. Embry Allen—again all Democrats though there were numerous Republican Senators.

Protests by the contestee Taylor, in relation to the formation of the committees, both in the senate and house, were offered, but proved of no avail. The fiat seemed to have gone forth that Mr. Goebel should be seated as governor, in compliance with the demand of the self-constituted committee which had advised the contest.

Pending the taking of testimony by these committees, there came to Frankfort, from the mountains of Kentucky, eleven car-loads of men numbering about one thousand. These men arrived on the morning and left again that night with the exception of perhaps one hundred. Governor Taylor seems to have been under influence which he had not strength of character enough to resist. The bringing of this "mountain army," as it was called, to Frankfort was urgently advised against by those of his supporters who should have been listened to. He was surrounded by a party of young men, inexperienced in politics, who so strenuously urged the bringing in of these men that he finally consented to their coming. Though they remained for but a short time, the fact that they had come at all was used against Taylor with powerful effect in the subsequent events. That their coming was a tactical error no one will deny.

Mr. Goebel was a member of the state senate. On the organization of that body, which had a small Democratic majority, though presided over by Lieutenant Governor John Marshall, a Republican, Mr. Goebel was elected president to preside in the absence of the lieutenant governor.

On the morning of Tuesday, January 30, 1900, Mr. Goebel was on his way to the senate chamber, accompanied by Col. Jack Chinn and Ephraim Lillard. This day marks the beginning of the blackest chapter ever written in the history of Kentucky. While near to the capitol a shot was fired from a window in the office of the secretary of state, and Mr. Goebel fell with a death wound, fired from ambush by a cowardly assassin. Tremendous excitement and confusion naturally followed. The Frankfort company of the State Guard was at once called out by Governor Taylor and took possession of the State House. The Governor at the same time

ordered other State troops to rendezvous at once at Frankfort. This was a mistake of judgment equal to that of bringing the mountain men to the capital.

On the morning following the attempted assassination of Mr. Goebel, the house met with armed forces in possession of the capitol where there was no occasion for their presence. The speaker of the house adjourned the session to the City Hall, but on approaching that building found it in possession of the military. An effort to hold a session of the house in the court house met with the same result. On January 31, the house and senate met in joint session at which session the majority of the contest committee reported that "we have heard all the evidence offered by both parties and we now respectfully report to the general assembly of the commonwealth of Kentucky that, in our opinion William Goebel was legally elected governor of the commonwealth of Kentucky on the 7th day of November, 1899, and that he then and there received the highest number of legal votes cast for any one for the office of governor of Kentucky at said election, and respectfully suggest that this report be approved and a resolution adopted by this joint assembly declaring the said William Goebel governor-elect of the commonwealth of Kentucky for the term commencing the 12th day of December, 1899. We decide that the said William Goebel has received the highest number of legal votes and is adjudged to be the person elected to the office of Governor for the term prescribed by law."

"Signed: G. W. Hickman, chairman; E. E. Barton, R. C. Crenshaw, G. T. Finn, Newton Frazier, J. Embry Allen, Abram Renick and Gus Talbott Berry.

"Jan. 30, 1900."

It will be observed that this report is not signed by Mr. Yarberry, the sole Republican representative who, by some chance, was drawn as a member of the contest committee.

The question being taken on the adoption of the above report it was adopted, fifty-six Democratic senators and representatives voting in the affirmative, no votes being cast in the negative. The general assembly consists of thirty-eight senators and one hundred representatives, a total of one hundred and thirty-eight members of which seventy is a majority. But fifty-six votes proved sufficient in this instance; Taylor was deposed and Goebel, tossing on his bed of pain, the victim of a cowardly and senseless murderer, was declared to be the governor of Kentucky. He took the oath of office administered by Chief Justice James H. Hazelrigg, of the court of appeals, on January 31, 1900.

The committee on the contest begun by J. C. W. Beckham, claiming to be the lieutenant governor-elect made a like report to that in the contest for the governorship which report was adopted in the joint session and Mr. J. C. W. Beckham soon afterwards took the oath of office as lieutenant governor. Mr. Goebel, after taking the oath of office, issued a proclamation ordering the state troops from Frankfort to their respective stations.

On January 30th, Governor Taylor had issued a proclamation declaring a state of insurrection to exist in Kentucky and especially at Frankfort, and ordered the general assembly to meet at London, Laurel County, on Tuesday, February 6, 1900. The Republican members of the house and senate, and one Democratic senator, Major Thomas H. Hays of Jefferson County, obeyed this order and met at London, but did nothing while assembled there.

The Democratic members of the house and senate repaired to Louisville where they held several sessions beginning, on February 5th, but transacted no business of any importance, the highest number reported as present at any meeting being forty-nine. On February 20th, the General Assembly resumed its regular ses-

sions at Frankfort, the ridiculous attempted meetings at London and Louisville having been abandoned.

At 6:45 P. M. Saturday, February 3, 1900, Mr. Goebel died from his injuries, at the Capital Hotel in Frankfort, Kentucky, and his remains were subsequently taken to his home at Covington where the body lay in state, and was then returned to Frankfort where it was intererred in the State Cemetery, the general assembly later voting an appropriation of $25,000 for the erection of a monument to his memory on the Capitol grounds.

Lieutenant Governor Beckham became acting governor until the ensuing November election, when he was chosen governor by a small majority, over Mr. John W. Yerkes, his Republican opponent. Mr. Beckham was but thirty-one years old when he succeeded to the office of governor, the youngest man ever filling that position in the state. He had served as a representative from Nelson county and had once been speaker of the house. He served as governor by one contest and two succeeding elections for nearly eight years. In a contest during his last term, he defeated, in a state primary. Hon. James B. McCreary for a seat in the United States senate, but in the general assembly was defeated by his Republican opponent, Hon. William O. Bradley.

Soon after the death of Mr. Goebel, Governor Taylor quitted the gubernatorial office and repaired to Indiana to escape threatened arrest and prosecution for alleged complicity in the murder of Mr. Goebel. No man not wholly blinded by partisan prejudice, believes that Taylor knew aught of the assassination until the fateful shot was fired. He was a man perhaps unfitted to be governor, but he was not a fool. Those who knew of his service as attorney general have stated that he performed the duties of that important office capably. He knew the law in relation to gubernatorial succession and, though he had been wicked enough to encompass the death of the contestant, he knew that Mr. Beckham, who was contesting the lieutenant governorship, if both Mr. Goebel and himself were successful, as the formation of the contest committees foretold that they would be, would by process of law succeed Mr. Goebel in the event of the latter's death. Aside from the wickedness of the murder of Mr. Goebel, it was the sheerest of folly if the hare-brained youth whom many believe to have fired the deadly shot, expected to thus end the contest. Taylor, as has been said, fled to Indiana where he remained and still remains, though, in 1910, the governor of Kentucky issued pardons to him; Charles Finley, who had also gone to Indiana, and to Caleb Powers who had been arrested in Kentucky and for more than eight years confined in different jails charged with complicity in the murder of Goebel. Powers was secretary of state, and it was from a window in his office that the assassin fired. Powers was in Louisville at the time, but in the midst of the excitement of the time and because of the bitterness of partisan politics, suspicion rested upon him for the reason that the shot was fired from his office and the additional reason that he had advised the arming of the mountain men. He weakened his defense by attempting to escape, but was arrested at Lexington. He was subsequently tried, and three times convicted of complicity in the murder of Goebel; was twice sentenced to death and once to life imprisonment, but appeals to the court of appeals based on irregularities in his several trials, resulted, in each instance, in the verdicts being reversed and new trials ordered. While awaiting a fourth trial, a pardon was issued by Governor Willson and he went forth a free man. Powers, in 1910, was elected to congress from the Eleventh Kentucky district and at this writing occupying a seat in that body.

Henry Yontsey, a clerk in the office of the auditor of public accounts, was arrested

charged with the murder of Mr. Goebel, was convicted and sentenced to life imprisonment. He is at this time—1911—serving his term in the State prison at Frankfort. James Howard was also arrested, tried and convicted of complicity in the crime, and was afterwards pardoned by the governor. Indictments against others have been dismissed or filed away and the murder will no more receive the attention of the courts.

What a terrible aftermath followed the Music Hall convention and the conference at Frankfort which brought about the contest. Kentucky has suffered unspeakably through the unholy greed of men for office and political power and not until the older generation has passed and newer ones come to take their places, will this fateful chapter in her history cease to be held against the state. For years after the death of Mr. Goebel, pitiful politicians, used his assassination as their stock in trade in their pursuit of office and even now, when he has lain in his grave for eleven years, there are not wanting some whose souls are so small, that ghoul-like, they metaphorically dig up his remains to excite the populace and accomplish their pitiful little ends.

Peace to the soul of the murdered Goebel. Those who needlessly accomplished his end accomplished nothing, unless it be that they have consciences which must daily suffer untold tortures.

The Democratic candidates for the minor offices on the State ticket shared the fortunes of the governor and lieutenant governor and in due time were installed in their respective offices. Among these was Judge Robert J. Breckinridge of Danville, who became, for a time, attorney general of the state. The candidate for this office on the Republican ticket was Clifton J. Pratt, who contested in the courts the holding of the office by Judge Breckinridge and was successful. Judge Breckenridge retired gracefully to private life and Mr. Pratt enjoyed the responsibilities and emoluments of the office during the first term of Governor Beckham, being the only one of the candidates elected on the Republican ticket who had such good fortune.

It will be remembered that one of the grounds of contest on which it was sought to seat Mr. Goebel in the office of governor was that the election held in Louisville was void by reason of the fact that the Democratic voters were intimidated by the military power of the state. It is presumed that the contest committee recognized the force of this change, if not its untruthfulness, and that it entered into the conclusion that Mr. Goebel received a majority of the legal votes cast at the election in that city which had given a majority for Taylor. At the time of that election there were chosen members of the house and senate in certain of the Louisville districts, but it does not appear that any of them subsequently relinquished their seats after the joint session of the senate and house had, in effect, declared the election held in Louisville at which they were chosen, to have been illegal, void and therefore of no effect. In other words, the election was void for certain purposes and entirely valid for other purposes. And such is partisan politics.

CHAPTER LXIV.

KENTUCKY, MOTHER OF GOVERNORS—GOVERNORS OF MISSOURI—ILLINOIS AND INDIANA GOVERNORS—NOTED KENTUCKIANS OF OHIO—WESTERN GOVERNORS—TENNESSEE, TEXAS AND VIRGINIA—TERRITORIAL GOVERNORS.

In the publication of the Kentucky Historical Series John Wilson Townsend has issued a volume entitled "Kentucky, Mother of Governors," in which he proves the correctness of the title chosen.

In his introductory Mr. Townsend says: "Virginia, the Mother of Presidents; Kentucky the Mother of Governors. And it is in a larger, truer sense, that Kentucky is the Mother of Governors than it is that Virginia is the Mother of Presidents. It has been many years since the Old Dominion furnished a president—and she has furnished but five in all—while the Blue Grass State has been making governors for her sister states since the republic was founded. To be exact, Kentucky has given one hundred and five governors to twenty-six commonwealths or territories. This count, however, regards a Kentuckian and a term of office as synonymous; but it does not include Justice John Boyle, who declined the governorship of Illinois territory in 1809, nor Gen. William O. Butler, who refused to govern Nebraska in 1855, nor James Birney, son of James Gillespie Birney, who was lieutenant governor of Michigan in 1860, nor Governor Moses Wisner of Michigan, who died in Kentucky; nor does it include the brilliant Jesse D. Bright, lieutenant governor of Indiana, and a citizen of Kentucky for many years. By a Kentuckian the present writer means a native son; an adopted son, who has lived at least ten years in Kentucky; one who has lived but a few years in this State, a sojourner; and one who was educated in whole or in part, in this state. Under these four heads—although, perhaps, admitting that the first two are the only legitimate claims a state can hold upon a man or woman, and that the last two are merely interesting—the theme will be considered. The Kentuckians who were to the manor born will be discussed first, beginning with Missouri, because it is generally known that more sons of Kentucky have occupied the gubernatorial chair of that state than of any other."

The present writer choses to condense from Mr. Townsend's interesting publication, references only to native-born Kentuckians who have been governors in other states, beginning with Missouri.

Lilburn W. Boggs, born in Kentucky in 1798, became governor of Missouri in 1836, and his administration was marked by vigorous opposition to Mormonism.

Thomas Reynolds, born in Bracken county, Kentucky, in 1796, was governor of Missouri in 1840.

John C. Edwards, a Kentuckian born, was educated in Tennessee, going afterwards to Missouri of which state to become governor in 1845.

Claiborne F. Jackson was born in Fleming county, Kentucky, in 1807, followed the stream of immigration to Missouri and was elected governor in 1860. He sympathized with the

south in the Civil war and was removed from office by a Union legislature.

Benjamin Gratz Brown was born in Lexington, Kentucky, in 1826, going to Missouri in 1851, and being elected to the United States senate in 1863. In 1870 he was elected governor. In 1872 he was the candidate for vice president on the ticket with Horace Greely.

Silas Woodson, born in Knox county, Kentucky, succeeded Governor Brown as governor in 1872.

Charles H. Hardin, born in Trimble county, Kentucky, was elected governor of Missouri in 1874.

Thomas T. Crittenden, a native of Shelby county, Kentucky, a nephew of the celebrated John J. Crittenden, was elected governor of his adopted state in 1880, and his administration was notable for his eradication of the notorious Jesse James gang of robbers.

David R. Francis, born in Madison county, Kentucky, was chosen governor of Missouri in 1889. In Mr. Cleveland's last administration, he was secretary of the interior.

William J. Stone, who succeeded Governor Francis, was, like him, born in Madison county, Kentucky. He was elected governor in 1892 and subsequently was chosen to succeed his fellow-Kentuckian, the brilliant George G. Vest in the United States Senate in which body he sits at this writing.

It will be seen that ten native Kentuckians have served as governors of Missouri, and if that state desires to make further requisitions along that line upon Kentucky there are scores of statesmen in the state who will hearken to her call, even though it be in whispered tones.

Joseph Duncan, born in Paris, Kentucky, in 1789, was the fifth governor of Illinois, and was elected in 1834.

Thomas Carlin, who succeeded Governor Duncan, was born near Frankfort, Kentucky, in 1789.

Richard Yates, the eleventh governor of Illinois, was born at Warsaw, Kentucky, in 1818. He was elected governor in 1860, after having stumped the state for Mr. Lincoln in opposition to Mr. Douglas. He was famous as "the War Governor." His son, born in Illinois, was the twenty-fourth governor of that state.

Illinois' twelfth, fourteenth and eighteenth governor was one man and, a Kentuckian.

Richard J. Oglesby, was born in Oldham county, Kentucky, July 25, 1824. He was first elected governor in 1864, after having attained the rank of major general in the Union army. His second term as governor was interrupted by his election to the United States senate. At the end of his service in that body, having acquired the gubernatorial habit, he was a third time elected governor of his adopted state.

John M. Palmer, the thirteenth governor of Illinois, was born in Scott county, Kentucky, in 1817. He rose to the rank of major general in the Union army, and in 1868 succeeded General Oglesby as governor. He subsequently served in the United States senate, and in 1896 was the candidate of the sound money Democrats for the presidency, having on the ticket with him as vice president, that sturdy Kentuckian, Gen. Simon Bolivar Buckner.

Shelby M. Cullom, sixteenth and seventeenth governor of Illinois, was born in Wayne county, Kentucky, in 1829. He served as governor for six years and since the conclusion of that service has served continuously in the national congress, either as representative or senator. At this time—1911—he is a member of the senate, at the age of eighty-two years.

The fourth governor of the state of Indiana was James B. Ray, a native of Jefferson county, Kentucky, his administration being marked by his interest in internal improvements.

Henry Smith Lane, thirteenth governor of Indiana, was born in Montgomery county,

Kentucky, in 1811. He was elected governor in 1860 and held the office but four days in consequence of his being elected to the United States senate.

The twenty-third governor of Indiana, Claude Matthews, was born in Bath county, Kentucky, in 1845. He was elected governor in 1895. Gov. Matthews was "a Free Silver Democrat and a prominent candidate for the presidential nomination in 1896." Mr. Townsend says of this candidacy: "But Mr. Bryan's glittering 'cross of gold' so dazzled the delegates' eyes, and his 'piercing crown of thorns' so punctured all previous booms that the gifted Kentuckian was as one with Richard Parker Bland, better known as "Silver Dick" and a Kentuckian born. Governor Matthews died in Indianapolis August 28, 1898—the last Kentuckian to govern the Hoosier state.

One of Ohio's greatest men was Thomas Corwin, born in Paris, Kentucky, in 1794. In 1830 he went to congress from Ohio, serving in the house for ten years. In 1844 he was elected to the senate and six years later he entered the cabinet of President Fillmore as secretary of the treasury. He subsequently served another term in congress.

Ohio's thirty-fifth governor was Richard M. Bishop, born in Fleming county, Kentucky, in 1812. In 1859 he was mayor of Cincinnati and in 1877 was elected governor, dying in 1893.

The sixth governor of Arkansas was Henry M. Rector, born in Louisville, Kentucky, in 1816, and elected governor in 1860.

Another native of Louisville, Thomas J. Churchill, was the thirteenth governor of Arkansas, elected in 1880. He served in the Mexican war and as a major general in the Confederate Army.

John Long Routt was the only Kentuckian ever elected governor of Colorado. He was born in Eddyville, Kentucky, in 1826. He served in the Union army and when General Grant became president, Routt was appointed governor of the territory of Colorado. When Colorado was admitted to the union, in 1876, he was elected governor. He was elected mayor of Denver in 1883, and in 1890 was a second time elected governor.

David S. Walker, seventh governor of the state of Florida, was born in Logan county, Kentucky. He was elected governor in 1865.

The fifth governor of the state of Idaho was Frank W. Hunt, born in Newport, Kentucky, in 1861. He served in the war with Spain and in 1900 was elected governor.

The twenty-third and twenty-fourth governor of Kansas, Edward W. Hoch, was born in Danville, Kentucky, in 1849. He was elected governor of Kansas in 1905 and re-elected in 1907.

The thirteenth governor of Louisiana, Robret C. Wickliffe, was born at Bardstown, Kentucky, and in 1856 was elected governor of the state. He was the son of Governor Charles A. Wickliffe, of Kentucky, and an uncle of Governor J. C. W. Beckham, of the same state. Governor Beckham's mother, the sister of Governor Wickliffe of Louisiana, enjoyed a distinction no other woman has ever held, in that she was the daughter of a governor, the sister of a governor and the mother of a governor.

Montana's third state governor, Robert B. Smith, born in Hickman county, Kentucky, was elected in 1896.

The present governor of Montana, Edward L. Norris, born and reared in Cumberland county, Kentucky, was elected in 1908.

The twenty-fourth governor of Tennessee, Albert S. Marks, was born in Davies county, Kentucky, in 1836, served in the Confederate army as Colonel and was elected governor in 1878.

His successor was Alvin Hawkins, a native of Bath county, Kentucky, who was elected governor in 1880.

Benton McMillan, born in Monroe county,

Kentucky, in 1845, was for twenty years a prominent member of congress from Tennessee, in 1889 was elected governor of that state and re-elected in 1901.

The seventeenth governor of Texas, John Ireland, born in Hart county, Kentucky, was elected governor in 1882 and re-elected at the expiration of his first term.

John Floyd, born in Jefferson county, Kentucky, was the only Kentuckian who ever held the office of governor of Virginia, he having been elected in 1830. In 1832, South Carolina voted for Governor Floyd for president.

Not only has Kentucky been generous in supplying her sister states with governors, but she has shown equal generosity to the territories where many of her son's have exemplified the high capacity of Kentuckians for political positions of responsibility, as will be seen from the following list:

During Mr. Cleveland's second administration Benjamin J. Franklin, a native of Germantown, was appointed and served as governor of Arizona territory, from 1896 to 1897.

Robert Crittenden, of Logan county, as secretary and acting governor of Arkansas territory, served in that capacity for about a year, owing to the delay of the regularly appointed governor in reaching his station.

Willis A. Gorman, the second territorial governor of Minnesota, was born in Flemingburg, Kentucky, in 1814, and served in that capacity from 1853 to 1857.

Montana's second territorial governor was Gen. Green Clay Smith, born in Richmond, Kentucky, in 1832. While serving in congress from Kentucky in 1866, President Johnson appointed him governor, and he did much to prepare the territory for statehood. At the conclusion of his term of office he entered the Baptist ministry. He died in Washington, D. C., June 30, 1893.

The seventh territorial governor of Montana was Samuel T. Hauser, a native of Falmouth, Kentucky, who was appointed by President Cleveland in 1885, serving two years.

His successor was another Kentuckian, a beloved gentleman of the old school, Preston H. Leslie, born in Wayne county, Kentucky, in 1819. In 1871, Gov. Leslie defeated for governor of Kentucky, Gen. John M. Harlan, now, and for many years past, a justice of the supreme court of the United States. In 1887, President Cleveland appointed Governor Leslie governor of Montana territory, in which position he served for two years. In 1894 President Cleveland appointed him United State's attorney for the district of Montana. He died at Helena, Montana, in 1907.

The fifth territorial governor of Nebraska, William A. Richardson, born near Lexington, Kentucky, in 1811, was sent to congress from Illinois in 1846, and in 1858 was appointed to that office. Serving but a few months, he returned to Illinois, and was elected to the United States senate to fill the unexpired term of Stephen A. Douglas, on the latter's death.

The last territorial governor of Nebraska, Alvin Saunders, born in Fleming county, Kentucky, served in that capacity from 1861 to 1867 and was afterwards a member of congress from Nebraska. He died in Omaha in 1899.

The first provisional governor of Texas was Henry Smith, born in Kentucky in 1784. He was elected governor in 1835 and later declined the presidency of the republic of Texas. when Gen. Sam Houston was elected. Gov-Smith was the first secretary of the treasury of the infant Republic.

Two Kentuckians have been governor of the territory of Utah—Gen. Eli H. Murray and Caleb W. West. Gen. Murray was born in Breckinridge county in 1844. He fought in the Union army and was brevetted as brigadier general at its close. For ten years, he was United States marshal in Kentucky. President Hayes in 1880 appointed him governor of the territory of Utah and President Arthur reappointed him, but he resigned during President Cleveland's administration.

General Murray was succeeded by Caleb W. West, born at Cythiana in 1844. He had served in the Confederate army, studying law after returning home. While serving as county judge, President Cleveland appointed him governor of Utah territory in 1886, and seven years later he was reappointed to the same position, again by President Cleveland. He later became a special agent of the United States treasury. He died at San Francisco in January, 1909, beloved and mourned by all who had ever known him.

Joseph C. S. Blackburn was born in Woodford county, Kentucky, October 1, 1838. He served in the Confederate army, and after the war, while practicing law at Versailles, was elected a representative in the legislature in 1871, and re-elected in 1873. In 1875 he was elected to congress, serving in either the house or senate—three terms in the latter—until 1907, with the exception of a short period. On April 1, 1907, President Roosevelt appointed him a member of the Isthmian Canal Commission in charge of the department of civil administration in the Canal Zone, and it was Governor Blackburn for the next three years. At the expiration of that period he resigned and returned to his home in Woodford county.

To succeed Governor Blackburn, President Taft appointed Maurice K. Thatcher, who had the misfortune to have been born in Chicago, but he atoned for this mishap by coming, at an early age, to Butler county where he grew to a useful manhood. He has been assistant United States attorney for Kentucky, state inspector and examiner of public offices, and is at this writing Governor Thatcher of the Canal Zone. It has been charged that Governor Thatcher writes poetry, but this he denies. At any rate, he is a useful young man and a good citizen.

An inclination to publish herewith a list of those Kentuckians who have represented other states in the national senate and house of representatives, had to be resisted on account of the limitation of space. It is enough to say that in the matter of senators and representatives for other states, Kentucky has been even more generous than in that of governors.

CHAPTER LXV.

THE TOPOGRAPHY—THE RIVER SYSTEMS—THE SOILS—THE GEOLOGY—GEOLOGICAL SCALE AND ECONOMIC VALUES — QUARTERNARY — TERTIARY — CRETACEOUS — PENNSYLVANIAN (UPPER CARBONIFEROUS)—THE COAL FIELDS—MISSISSIPPIAN (LOWER CARBONIFEROUS)—DEVONIAN—SILURIAN—ORDOVICIAN (LOWER SILURIAN).

[This chapter, bearing upon the geology of Kentucky, is from the pen of Professor C. J. Norwood of the State University, the accomplished Director of the Geological Survey and Chief Inspector of Mines for the State of Kentucky.]

The precise area of Kentucky is yet to be determined; according to the computations last made by the State Geological Survey, the area closely approximates 41,283 square miles, including about four hundred square miles of water. With the exception of the southern border and about one hundred and forty miles on the southeast, the boundary is formed by rivers—the Big Sandy and its Tug Fork for approximately one hundred and twenty miles, the Ohio for six hundred and forty-three miles, and the Mississippi for fifty or sixty miles. The southeastern border follows the northeastwardly trending crest of Cumberland Mountain for thirty-five or forty miles, then crosses to Pine Mountain, by way of the Big Black and associated ridges, and follows the ridge of Pine to the Breaks of Sandy; from the latter point it pursues an arbitrary northeast line to the Roughs of the Tug Fork of the Big Sandy. As was aptly stated by the late N. S. Shaler, these boundaries give the state the form of an irregular pentagon, four sides of which are natural boundaries of river or mountain range, the fifth being a conventional line. While the reasons for the irregularities seen in the southern border, and for the extension of the northern one by arbitrary line from the Breaks of Sandy to the Tug Fork, may be of some historical interest, it does not seem necessary to discuss them here.

THE TOPOGRAPHY

Save for a small area in the southeast, which has true mountain structure, Kentucky is essentially a table-land, with subordinate peneplains, sloping to the northwest and, in the main, broken only by stream excavations. Perhaps no general description of the surface more suitable for these pages can be presented than one based in part on emendation of that given by N. S. Shaler in Vol. III of reports of the State Geological Survey, issued during his administration as director of the Survey: The Ohio river, so prominent a feature in the map of the state, is the key to most of its surface. All except about one-eighth of its area, situated in the southeast corner of the state, may be regarded as a part of the valley table-lands of the Ohio, varying in character according to the underlying rock, but owing their form almost entirely to the cutting action of the rivers, acting upon rock which has never been thrown into great mountain folds. In the formation of this surface there have been, with comparatively few exceptions, no other factors than the hardness of

the rocks and the energy of the wearing agents—running water and frost. This has given a surface in general, and broadly speaking, rather level, but elevated high above the plane of the main streams, which cut for themselves deep valleys with precipitous sides, often true canons in their form. The height of these elevated plains or peneplains above the sea, and above drainage, varies a good deal, according to their position in the state and the nature of the rock in which they have been excavated. At Hickman, on the Mississippi, the base of the topography may be placed at about two hundred and fifty feet above the sea. From this section eastward there is a continual increase of height. This may best be represented by drawing radiating lines from the mountain area of southeastern Kentucky in every direction to the Ohio; this mountain section being the stream center of the south Ohio area, all its southern tributaries pointing toward that region. The drainage levels rise with great uniformity in that direction, the only great differences of level being caused by the change in the height of the plateau between the streams. Whenever these lines cross the line of outcrop of the different formations, there is apt to be a sudden change in the character of the surface, and often a distinct cliff-like ridge occurs. Muldraugh hill and Big hill are good examples of this structure.

Proceeding eastwardly from the beforenamed base, we rise to about five hundred feet as we cross the Western Coalfield and to seven hundred and eight hundred feet as the Lower Carboniferous area east of that field is crossed, until an altitude of about nine hundred feet is reached at the Muldraugh Hill escarpment. Upon passing the escarpment, a drop to about six hundred feet occurs, but there is then a continuous gain in height to a line drawn southwestwardly approximately through Lexington, where the surface attains to heights of about nine hundred and one thousand feet above tidewater. Along this course, the tableland rises more rapidly than the stream-beds, so that the valleys of the stream-courses are deeper as we go towards this central region. Lexington occupies a position on the top of a low geological ridge, formed at a very early date by a broad folding of the rock strata, which crosses the state in a southwestwardly direction and rises to a height of somewhat more than one thousand feet at points of maximum altitude of its present surface. Formerly called the Cincinnati Anticline, and the Cincinnati-Nashville Axis, this fold is now known as the Cincinnati Geanticline; as the result of it, the central part of the state occupies a higher level than otherwise would be the case. Passing southeastwardly from Lexington, the general elevation of the surface increases as the Eastern Coalfield is approached and entered, reaching the maximum in the Black and Log Mountains that, with their valleys, occupy the region between the Pine and Cumberland Mountains, the latter being the only mountains of elevation within the state.

In some of the older discussions of the topography of the state attempts were made to present a notion of the form of the surface by means of statements giving "average elevations" for the state as a whole and for large divisions of it. After careful consideration of the matter, the writer believes that such statements are of no real value; they may mislead, and doubtless have misled and caused disappointment to persons who have sought residence within certain areas because of reported "average" altitudes. To say that the average elevation of the surface of the State is one thousand feet above the sea may prove misleading, since the average must include a large area in the extreme west where the average elevation is less than four hundred and fifty feet; larger areas to the east, including the Western Coalfield and reaching as far east as Muldraugh hill, in which the average will not exceed six hundred feet; the central part of the state, where the average will not exceed

eight hundred or nine hundred feet; and the Eastern Coalfield, which includes the highest portion of the state and where the elevations range from about five hundred feet on the Ohio river to about four thousand two hundred feet at the highest point on Big Black Mountain, in Harlan county, the more common of the extreme heights in the mountain ridges being two thousand five hundred to three thousand feet. And so many averages for sections of the area fail to convey correct impressions. In the more central part of the state, away from the rivers and excluding some of the knobs, elevations range from about seven hundred and fifty to one thousand and fifty feet; in the Mississippian (Lower Carboniferous) area fringing the Western Coalfield on the east and south, the range is from about three hundred fifty feet on the Ohio to six hundred and nine hundred and fifty feet in the southwest and southeast; in the Western Coalfield the range is from about four hundred feet above tide at the northwest, near the Ohio, to about eight hundred feet in the southeast, the more common heights varying from five hundred to six hundred feet; while in the Jackson's Purchase region, the elevations range from two hundred and fifty-six feet at low water of the Mississippi at Hickman and two hundred and ninety feet at the level of Reelfoot Lake, up to about five hundred and fifty feet on the higher lands.

The River Systems

The whole of Kentucky lies within the Mississippi basin, and nearly all of it within the Ohio valley; very nearly ninety-seven per cent. of its drainage is to the Ohio river, the remainder to the Mississippi. Among all others, it is notable for the large mileage of rivers within its confines; one of the largest tributaries of the Ohio, the Cumberland, has its origin within the state and receives a large part of its water here; another, the Tennessee, gathers a part of its water from Kentucky slopes; and two other of the more important tributaries, the Kentucky and the Green, lie wholly within this commonwealth. It has been estimated that, exclusive of the Ohio and other bounding waters, there are more than three thousand miles of streams within the state that to a large or small extent are navigable. Most of these streams may be made to yield excellent water-powers. With few exceptions they occupy deep-sunken valleys with steep walls, occupy channels with good, firm banks, and have a relatively low and gradual rate of fall, notwithstanding the considerable height of the descent from their respective sources to the Ohio—the low rate of fall being due to the tortuousness of their courses and consequent long distance between head and mouth.

The economic importance of the fact that, excepting in a narrow strip immediately bordering the Mississippi, all the streams drain to the Ohio is plain. Beyond question, the principal rivers of the state are, with their more important tributaries, susceptible of being so improved as to add a very large mileage of slack-water navigation to that which already has been obtained, and thus, through their connection with the Ohio, afford to the larger portion of the state cheap transportation to the Gulf of Mexico and thence to South American countries and the Panama canal.

The Soils

Away from the immediate regions of streams, and exclusive of some of the lands west of the Cumberland, the soils are all of immediate derivation—due to the decay of the rocks beneath them—and thus partake of the chemical nature of the beds that form the crust of the region in which they lie. A large part of the state, including the "Blue Grass" is characterized by underground water-channels and caverns, and is thus provided with natural underdrainage. Underdrainage, as is well known, is a prime necessity for the

continued fertility of a soil, and where a system of underground water-channels is well developed, there soils derived from rock in place are thickest. The exceptional endurance and fertility, and the virtue of continuous renewal, possessed by the soils that mantle the central region and the wide belt of cavern-forming limestones around the Western Coal-field are, therefore, due not only to the chemical constituents of the rocks to which they owe their genesis but to the natural under-drainage of the districts.



Harvesting Blue Grass

The following is taken from Shaler's "Kentucky, a Pioneer Commonwealth:" "The area of very fertile soil in the state—that which may be called of the first order—is about ten thousand square miles. This is equal in fertility to the best English, Belgian, or Lombardian lands, and surpasses any other region in this country or in Europe for its fitness for pasturage land. It lies on a limestone rock, which, by its rapid decay, constantly restores to the soil the elements removed by cultivation, so that there are fields in Kentucky which have been steadily cropped, with no attention to fallow or fertilizer, for about one hundred years without apparent damage to the soil. No other land of the world is so fitted to withstand the evils of the utterly unscientific agriculture to which it has been submitted in former days. The area of second-class soils, those less fertile than the preceding, easily worn by careless tillage, still affording a good basis for agriculture, may safely be estimated at about twenty-two thousand square miles. The distinctly inferior soils, those not well fitted for any grains without fertilizing, or for other agricultural use, save as low-grade pasture lands and for timber, include about seven thousand square miles. There are not over two hundred square miles of irreclaimable swamps and arid rocky fields; and not more than eight hundred square miles unfit for pasturage. It is doubtful if an equally good showing can be made for any other state in the Mississippi valley, and there are few regions in the world where so large an area with so little waste land can be found."

The lowlands west of the Tennessee river, comprising in the aggregate perhaps a thousand square miles, present some difficult problems in drainage and flood-control, but through

the application of intelligent methods, as developed in modern progress, they will be taken care of; aside from these, the state presents no drainage problems requiring really more than simple, standard methods for their solution.

The Geology

Practically all the geological formations of the state consist of stratified deposits. The exceptions are a small number of igneous dikes and sills (mica-peridotite) in the fluor-spar district of Western Kentucky, and one or two short crater-like dikes of peridotite in Elliott county. Because of its petrographic resemblance to the diamond-bearing rock of South Africa, the Elliott peridotite has been rather thoroughly prospected for diamonds—and without success.

The younger formations are represented by Quaternary, Tertiary, and Cretaceous deposits in the region west of the Tennessee river known as "Jackson's Purchase." They constitute the filling of an arm or bay of the ocean, now known as the Gulf Embayment.

The oldest rocks are those that are exposed in the central part of the state, popularly known as the Blue Grass region, and along the Cumberland river in the south-central portion.

The small area in the southeast corner of the state, the only region in which mountains of elevation occur, consists of a synclinal between Cumberland Mountain on the southeast and Pine Mountain on the northwest. Cumberland Mountain, though now worn away on its eastern flank so as to expose basseting edges of its structural members, is a complete fold; Pine Mountain, on the other hand, is a broken one, the strain of the thrust from the southeast having been relieved by a break and fault on the north, the course of which is well defined by Straight creek. The Kentucky side of Cumberland Mountain shows only Pennsylvanian (Coal Measures) beds, but on the north side of Pine Mountain rocks as low as the Devonian are exposed by the fault. Within the geological trough between the two mountains stand the Black and Log Mountains, and here, in a number of workable beds per square mile, is the greatest field of coal, all of high grade, in the state.

Crossing the state in a southwestwardly direction, with its axis a little east of, though approximately coincident with a line drawn from the Ohio river through Falmouth, in Pendleton county, Georgetown, in Scott county, and Burksville, in Cumberland, is a broad uplift of the rocks in the form of a fold, known as the Cincinnati Geanticline; the actual course of the axis is doubtless somewhat sinuous, though preserving the general direction followed by the line indicated. The geanticline extends from middle Ohio to the southern border of Tennessee, but seems upon the whole to have its greatest development in Kentucky. The crest of the arch does not maintain even an approximately constant amount of elevation along its length. The maximum elevation occurs in Jessamine county, and since from this area the rocks fall both to the north and to the south, along the axis of the fold, as well as toward the east and west, down the flanks of the geanticline, it is evident that the uplift reached its culmination by the production of a dome; to this culmination Prof. A. M. Miller has given the name "Jessamine Dome." (See Bulletin 2, Kentucky Geological Survey, 1905.) From Lexington to the northeast corner of Pendleton county, along the line of the axis, there is a dip of about four hundred and seventy-five feet or an average of six feet to the mile; from Nicholasville southward to Junction City there is a fall of the rocks along the axis estimated at about four hundred feet, for which, however, a transverse break in the geanticline, accompanied by slip, which occurs at the Kentucky river, and known as the Kentucky river fault, is doubtless largely responsible; and from Junction City to the Cumberland river

there is a dip of the axis which probably exceeds two hundred and fifty feet, giving an average of about five feet to the mile. The dips at right angles to the crest of the geanticline, down the flanks, are of course much steeper than along the axis. For instance, the dip of the beds from Lexington to Louisville, on the northwestward side of the fold, exceeds one thousand five hundred feet—a fall of the rocks at the rate of more than twenty-one feet per mile; and the dip southeastward from Lexington to Irvine is estimated as quite one thousand feet, showing an average fall of twenty-eight feet to the mile. (For a more elaborate discussion of the geanticline, see Bulletin 7, Kentucky Geological Survey: The Silurian, Devonian, and Irvine Formations of East Central Kentucky, by Aug. F. Foerste.)

At a former time it was supposed that this great arch had always formed a barrier between the Eastern and Western Coalfields of Kentucky, but evidences were found by the writer in 1876, subsequently verified by Professor Shaler and more recently by Professor Miller, which afford proof that at least some of the lower beds of the Pennsylvanian extended across the path of the southern portion of the uplift within the state.

It is owing to the long continued erosion of the crest of this fold that the older geological formations are exposed in the central part of the state, and that there is to be found the oldest rock surface of the state, yielding the most durably fertile of the lands. The oldest strata whose outcrops are visible in the state are brought to light where the Kentucky river has cut a deep gorge across the arch; they are finely exposed at High Bridge and for several miles above and below that point. The lowermost rocks—other than small fragments brought up from deep drill-holes—that have been seen are exposed in the shaft of the Chinn Mineral Company, at Twin Chimneys, Mercer county, on the Kentucky, a few miles below High Bridge. These High Bridge beds, constituting the visible basal portion of the Ordovician (Lower Silurian) system in Kentucky, belong to the Stones River formation of the Mohawkian series.

There are other folds in the state outside



Chimney Rock on the Kentucky River, 75 Feet High, 4x6 Feet at the Base

the mountain area, notably the Rough Creek anticline which crosses the Western Coalfield with a bearing south-of-east, and is probably related to a line of disturbance that extends across the state to the Tug Fork near Warfield; also, areas in which there are numerous faults. Nearly all of these have some economic importance, but, when considered in

their relation to the rock outcrops and geological structure of the state as a whole, they are of distinctly minor importance when compared with this ancient geanticline.

Passing eastwardly from this old geological ridge, beds of the Ordovician, Silurian, Devonian, Mississippian (Lower Carboniferous), and Pennsylvanian (Coal Measures) come successively to view; while on the west the same formations, with the addition of Cretaceous, Tertiary, and Quaternary deposits, form the section to the Mississippi river. This is shown on the map by the east-west longitudinal section.

Geological Scale and Economic Values

Since the proper differentiation and correlation of some of the members of the geological series exposed in Kentucky is, in the light of investigations carried on by the State Geological Survey in recent years, still an open question, it is not deemed well to undertake in a publication of this sort more than a presentation of the larger divisions of the formations. The sequence of formations, exclusive of Alluvium, named in descending order, is as given in the statement which presently follows.

Because of differences in physical character, or in thickness, or both, exhibited by some of the synchronal groups, according to their occurrence with reference to the Cincinnati geanticline—whether on the east or on the west side of it; the presence of certain members of a formation on one side that are wanting on the other; and certain other variations that may be observed in geological equivalents as one passes from one side of the geanticline to the other and from north to south, it is not practicable to present the statement in the tabular form usually adopted; the size of sheet required would be inconveniently large.

The Geological Section, together with notes of the principal economic materials afforded by each formation, is as follows:

I. Quaternary

1. Columbian.—Port Hudson (in Jackson's Purchase and adjacent regions). Blue, stiff clays alternating with thin beds of red, yellow, and white sands, overlaid by micaceous loam. The latter, which ranges from 15 to 25 feet in thickness—reaching 40 feet at Paducah, according to Loughridge — is provisionally included with Port Hudson beds. The blue clays, which have an average thickness of 25 feet, are quite commonly speckled with bright blue vivianit (phosphate of iron). Pieces of lignite are occasionally found in the clays. Total average thickness, including the micaceous loam, 50 feet.

2. Lower Mississippi Loess.—Gray silt (in Jackson's Purchase and strips bordering the lower Ohio), 20 to 50 feet; usual range is 20 to 30 feet. The loess found on the Ohio above the regions adjacent to the Purchase may possibly be of later date than the deposits here referred to.

3. Lafayette.—Stratified drift, consisting of stratified gravels and coarse sands, with some clay, derived from Mississippian cherts and pebbles of the Carboniferous conglomerate sandstone (Pottsville). Includes the beds of interstratified cross-bedded sands and pipe clay of the Columbus bluff identified as "Lagrange" by Loughridge, and by him doubtfully assigned to upper (Neocene) Tertiary. (Kentucky Geological Survey: Report on the Jackson's Purchase Region.) The typical gravel ranges from 5 to 30 feet in thickness; the so-called "Lagrange," from 12 to 20 feet. Total thickness, 25 to 50 feet.

Gravels older than the Stratified drift occur in the Purchase and adjacent eastern and southern regions. They are all in patches, and are residual, derived from cherts of the Mississippian limestones. They include: (1) Tennessee River Gravel, consisting chiefly of chert gravels cemented by white silicious earth resulting from dissolution of the chert. This is

the oldest gravel formation in the region. Thickness of patches, 20 to 110 feet. (2) Ore Region Gravel, a mixture of chert gravel, chert fragments, and clay. This is the chief repository of the Cumberland river iron ore deposits. Thickness of patches, about 15 feet. Iron ore similar in character and derivation to that of the Cumberland river region occurs east of the Cincinnati geanticline, in the Red river region of Bath, Estill, Lee, Menefee, Montgomery and Powell counties.

The total thickness of the Quaternary as seen in Jackson's Purchase and adjacent regions, excluding the patches of residual gravels, is about 95 to 130 or 150 feet.

Economic Materials: Refractory clays of excellence, road material ("Paducah gravel"), pigment materials, polishing material, very excellent iron ore and molder's sand. The blue clays of the Port Hudson group fuse readily on account of their iron and potash contents, and may serve purposes for which fusible clays are desirable.

II. Tertiary

Reference is made only to deposits in the Jackson's Purchase region; the younger deposits of the state as a whole have not been well enough studied to warrant their discrimination at this time.

Lignitic Series.—(a) Bluff lignitic, about 25 feet. (b) Porter's Creek Joint Clays 110 to 115 feet. The total thickness, 140 feet.

Loughridge describes six to fifteen feet of beds at Hickman, which he provisionally places below the Porter's Creek. Their proper position is still an open question.

Economic Materials: Fine pottery clays, glass-pot clays, lignite (usually soft and quite high in ash, not useful for fuel except when used as a burnt clay; has enough carbon in it to assist in the burning), terra cotta clays, sand for glass, and some iron ore.

It is thought that the Irvine formation of East Central Kentucky, which has its greatest development, perhaps, in Madison and Powell counties, is of late (closing of the Neocene) time. It consists of gravels derived from Mississippian (Waverly) beds, sands, and a variety of clays. Some of the latter are quite thick, and include very excellent beds for the manufacture of terra cotta ware, roof tile, face brick, the commoner grades of pottery, such as jugs, crocks and articles of similar class. Measurements showing a thickness of 40 to 50 feet have been made.

III. Cretaceous

Ripley Series.—Ripley Clays, Ripley Sands. Thickness, about 200 feet.

Economic Materials: Polishing materials, fire-brick clays.

The Quaternary, Tertiary, and Cretaceous deposits, in the regions referred to, collectively cover an area of about two thousand five hundred square miles.

IV. Pennsylvania (Up. Carboniferous)

The several divisions or formational units of the coal-bearing rocks, with their respective thicknesses, have not been determined with sufficient definiteness to warrant making record of them in such a permanent work as this history. The problem is a difficult one, to which geologists are now giving much attention. A broad terminology, therefore, is used:

1. Coal Measures, corresponding in the main to the Lower Coal Measures of the older geological reports. Includes Allegheny and, in the Eastern field, possibly some upper Kanawha. Thickness in the Western field, about 800 to 1,000 feet. In the Eastern field the thickness reaches about 2,100 feet north of Pine Mountain, and about 3,200 feet in the Black Mountain syncline.

2. Conglomerate Sandstone Measures.—All upper Pottsville. Includes the Rockcastle Se-

ries (or Lee) of the Eastern field. The thickness varies greatly; from nothing to about 200 feet in the Western field; from 300 or 400 up to 1,600 feet or more in the Eastern field.

Economic Materials: (a) In the Coal Measures: Domestic, steam, and coking coals, cannels, fire-clays, tile-clays, clays for common pottery, clays for road building, iron ores (carbonate), some good building stone, builder's sand.

(b) In the Conglomerate Measures: Bituminous coals, admirable building stones, stones for grinding; clays for pottery, for cement, and for road building; high-grade fire-clays, sharp building sand, superior sand for bottle-glass, iron ore, "asphalt rock," excellent salt brines, chalybeate waters, petroleum, gas.

The Coal Fields.—The coal-bearing rocks are disposed in two fields, as shown on the map. Kentucky is the only state that has two coal fields. By reason of its fortune in waterways and their relation to the coal areas, the shape, extent, and positions of the latter, and its facilities, present and possible, for transportation by rail, no state in the union is so well assured of cheap fuel, and for several hundred years; on this account, it is not unreasonable to expect Kentucky to figure in future history as one of the great manufacturing states.

The areas of the coal fields have not been determined with precision, but the following figures are close approximations:

Western Field	4,500 square miles.
Eastern Field	12,170 square miles.
Total	16,670 square miles.

In the Western Coalfield fourteen or more coals occur, about half of which are workable. Two or three of the beds make excellent coke for domestic use and for metallurgical furnaces in which a content of two to three per cent. of sulphur in the fuel is not prohibitive. The coals are all strong steam coals. The beds of maximum thickness measure six and seven feet, occasionally somewhat more; those which are now contributing most largely to the annual output measure from four to five feet.

The Eastern Coalfield is divided naturally into several regions, the outlines of which are determined by the several drainage areas of the principal streams that originate in or cross some part of the field. The most important of the regions are the Big Sandy, the Three Forks of the Kentucky river, the Licking, the upper Cumberland, and an ill-defined district in Whitley, Knox, Laurel, and Pulaski counties whose principal streams flow into the Cumberland.

The most important portions of the upper Cumberland drainage include the region between the Pine and Cumberland Mountains (in which rise the Big and Little Black Mountains to the northeast, and the Log Mountains to the southwest), and the Pineville Gap region north of Pine Mountain—including Straight creek to the north and northeast, and the various streams that flow into the Cumberland within the stretch reaching down that river as far as Barbourville and somewhat beyond. The district thus outlined is wonderfully rich in workable coals. As hitherto stated, the highest point in the state, about four thousand feet above sea, is on the Big Black Mountain, in Harlan county, and it is there that the coal measures above the Conglomerate, as defined herein, reach their greatest thickness—nearly three thousand two hundred feet. Indeed, for number of workable coals in immediate vertical succession, the region between the Pine and Cumberland Mountains, especially that portion drained by Poor and Clover Forks, is unmatched in the Eastern field, and probably in no other. Coal beds occur at frequent intervals throughout the whole thickness of three thousand two hundred feet. The total number known, of all thicknesses, is about forty, and of this num-

ber twelve to sixteen, depending upon locality, have a thickness of three feet or more. The seams range in thickness of coal up to eight feet; in exceptional cases even up to twelve feet. Excepting cannel occurrences, they are practically all coking coals, low in ash and sulphur. The excellence of the coals on the north side of Pine mountain is widely recognized. The steam and domestic coals rate high in the markets, and the coke made from the Pineville seam, on Straight creek and below, is known as one of the best metallurgical cokes in the country.

The Licking Valley region owes its prominence to the cannel deposits within its bounds. Cannel of superior quality is found in all the drainage basins of the Eastern field; seven or eight, possibly nine, of the coal horizons carry it, and it occurs in workable thickness and quantity in sixteen or seventeen counties. Notable deposits occur in the Big Sandy drainage, especially in Johnson county, and deposits of exceptional purity and richness are found in Breathitt and Perry counties. But the cannel field *par excellence* lies in the Licking Valley, in Morgan and Magoffin counties. It is described in Bulletin 10 of the State Geological Survey.

The Big Sandy Valley region, embracing about two thousand square miles south of Louisa, carries nine or ten workable coals above the "Conglomerate Sandstone." The coal-bearing measures above the "Conglomerate formation" here reach a thickness estimated to be from two thousand to two thousand one hundred feet. The uppermost thick coal known is the Flatwoods, measuring seventeen feet and occurring about one thousand five hundred feet, geologically, above the base. The Flatwoods being excepted, the coals of this region range in thickness from three feet up to eight feet or more. The coal that has given immediate prominence to the region is the Lower Elkhorn, notable for its surpassing excellence for coking, and its occurrence as a thick bed over large areas. It is now recognized that there is no better coking coal known in the United States. Few coals are so good. At about one hundred and fifty feet above the Lower Elkhorn comes another bed, known in the State Survey reports as the Upper Elkhorn; its quality is but little if any less excellent than that of the lower seam. Special reference to all the important coals of the region would occupy more space than seems proper for this publication.

Despite the long continued efforts of the State Survey, until recently capital has been slow to properly appreciate the merits of the Kentucky river region. The field occupies an area of about two thousand four hundred square miles, in which about twenty coal beds occur. Ten or eleven of the beds are workable, exhibiting thicknesses ranging from three feet up to nine feet. Thick Elkhorn is included in the series of beds. An extension of the Lexington & Eastern Railway (now a division of the Louisville & Nashville Railroad Company's system) to the headwaters of the North Fork of the Kentucky river is now under construction, and a line is also building into the same area from the Big Sandy division of the Chesapeake & Ohio Railroad. This marks an epoch in the progress of coal mining in Kentucky that will be of interest to the future historian. The North Fork portion of the "Three Forks" region may be expected to become a distinctly important producer of commercial coal within two years; it now produces practically none—none at all from the section that will soon show the greatest activity.

Statistics of Coal Mining.—The first grate coal used in Nashville, Tennessee, in 1831, was dug in the Eastern coalfield and floated down the Cumberland river. The first tow of coal sent down the Mississippi river came from the Western coalfield, from a Union county mine, in 1844. But coal mining in

Kentucky as an industry of commercial importance dates from 1870. Even in that year, however, the output for the entire state amounted to only 169,120 short tons. In 1880 the output for the entire state had grown to only 914,288 short tons. By 1890 the output of commercial coal alone—that is to say, the production of shipping mines and of smaller mines that by reason of their situation near points of material consumption are of commercial importance—had increased to 2,532,526 tons. The output for 1900 was 5,020,675. In 1910 it amounted to 14,720,011 tons. And yet, when reasonable expectations for the coming five years, based on settled projects that must affect the future, are taken into consideration, it must be said that we have just begun to mine coal.

The progress made in producing commercial coal by the respective fields during the last ten years is shown by the following table:

Year.	Western Field	Eastern Field.	Total tons
1900	2,933,398	2,087,277	5,020,675
1905	4,682,057	3,357,189	8,039,246
1910	8,428,752	6,291,259	14,720,011

V. Mississippian (Lower Carboniferous)

1. Chester Group.—Consists essentially of limestones (for the larger part, thin bedded and frequently earthy), shales, and a few sandstones. The base is marked by the Cypress Sandstone formation, of which the Big Clifty Sandstone is the basal member. Thickness west of the Cincinnati geanticline ranges from 300 to 1,600 feet; east of it, 70 to 160 feet.

Economic Materials: Potash shales (in the Leitchfield formation), clays for vitrified brick and road material, pigment earths, sand for bottle-glass, "asphalt rock," flagstones, some building stone.

2. Ste. Genevieve Group.—Consists of two thick limestone divisions, with a thin sandstone (sometimes absent) between them. The limestones are in large part oolitic, and generally white. Thickness west of the Cincinnati geanticline, from 120 to 300 feet; east of it, from 90 to 130 feet.

Economic Materials: Fine structural stone, beautiful white oolite, including the "Bowling Green stone," road material, veins of fluorspar, lead and zinc, calcite, some petroleum. The Kentucky fluorspar deposits exceed those of any region in the United States.

3. St. Louis Limestone Group.—Includes thin Spergen (or Warsaw?) at the base. The beds are usually thick bedded, some of them silicious, and some of them earthy. Plates and nodules of chert occur. Drab to cream colored, compact limestones, including lithographic beds, occur in the upper part; some oolitic beds in the lower half. The prevailing color is grayish blue. The St. Louis beds (known as Mitchell in Indiana) are the great cavern-forming limestones. The thickness west of the Cincinnati geanticline ranges from 300 to 560 feet; east of it, 70 to 125 feet.

Economic Materials: Handsome blue-gray stone for building, road material, pockets of iron ore, veins of fluorspar (extensive deposits), lead, and zinc, some petroleum. Deposits of "commercial onyx," found in several counties, are derived from the leaching of St. Louis limestones.

4. *Keokuk-Knobstone, Waverly, Group.*—Consists of limestones, shales, and sandstones. Limestones prevail on the west side of the Cincinnati geanticline, and shales with bluish or greenish gray sandstones on the east. This division is represented by the Atherton clay, Harrodsburg limestone, Riverside sandstone, Knobstone, and New Providence shales on the west side of the Cincinnati geanticline; on the east side, by the upper Waverly (undifferentiated Logan-Black Hand, Cuyahoga shales), the New Providence shales, and the Sunbury shales, the Berea grit and the Bed-

ford, or Lower Waverly. The thickness on the west side of the geanticline ranges from 220 to 400 feet; on the east side, from 300 to 500 feet.

Economic Materials: Tile and pottery clays, iron ore, most excellent structural stones (including the noted bluish or greenish gray freestones of Rowan and Rockcastle counties), petroleum, mineral waters, gas, and phosphatic nodules—the latter in the base of the Waverly.

The Chester-St. Louis beds cover an area of about eight thousand three hundred square miles. The Keokuk-Knobstone, Waverly area is about four thousand square miles.

VI. Devonian

1. Ohio Black Shale beds.—The shales are black, or dark brown, fissile, and usually quite bituminous. Very thin plates or sheets of coal occur occasionally between laminae of the beds. The shale is often mistaken for the capping shale of coal deposits, and is responsible for many expensive disappointments. The Ohio shale (improperly designated as "Chattanooga shale" in some U. S. Geological Survey reports dealing with Kentucky areas) is the great knob-making formation of Kentucky. The thickness varies greatly on each side of the Cincinnati geanticline. Thicknesses on the west side range from 20 to 135 feet; on the east, from 60 to 225 feet, with 280 reported as penetrated in a Morgan county gas well.

2. Corniferous.—Includes the Sellersburg and Jeffersonville limestones west of the Cincinnati geanticline, which may be (the Jeffersonville certainly and the Sellersburg possibly) classed together as the Boyle limestones (Foerste) of recent reports of the State Geological Survey. On the east side of the geanticline, the term Boyle limestones applies exclusively. The beds are rich in fossil corals (as at the Falls of the Ohio), and the bottom layer of the Boyle (Kiddville layer) is rich in fish remains. The thickness west of the geanticline varies from practically nothing to 48 feet; on the east side, from 10 to 20 feet.

Economic Materials: Petroleum, gas, salt brine, phosphatic nodules and layers, cement rock, marbles for indoor work. The Black shale, when burnt, makes fine road material, and clay resulting from its decay makes good drain tile and deep red brick. The shale is an inviting source of fuel gas (by distillation) for future generations. The Boyle limestone is pre-eminent among the oil producing rocks of the State.

VII. Silurian

1. Niagaran.—The following members of the series occur on the west side of the Cincinnati geanticline: (a) Louisville limestone beds; thickness, 40 to 50 feet. (b) Waldron shaly clays; thickness 4 to 10 feet. (c) Laurel limestone beds; thickness 35 feet. (d) Crab Orchard formation; shales, clays, and limestones, correlating with the Osgood shales; thickness about 25 feet.

On the east side occur: (a) Limestones in Fleming and Lewis counties which are tentatively correlated with the Greenfield or Monroe formation of Ohio, by Dr. Foerste. (b) Crab Orchard formation (including the Indian Fields and Alger divisions); thickness, 110 to 180 feet.

2. Clinton (of Ohio).—The precise relation that the limestones forming the base of the Silurian in Kentucky and in Ohio bear to the Clinton of New York geology is an unsettled question. In the older Kentucky reports, unfortunately, Silurian beds referred to Clinton age are not always identical; in Ohio, however, such confusion does not exist, hence the qualifications indicated here. To the Kentucky representatives of the Clinton of Ohio, the name Brassfield limestones has been given. On the east side of the geanticline, the thickness ranges from 13 to 19 feet.

Economic Materials: Clay suitable for low-grade terra cotta, for "vitrified" paving brick, for common brick, for sewer pipe, and for cement; spring waters charged with magnesium sulphate and sodium sulphate, together with other mineral salts, from which are derived "Crab Orchard salts;" excellent iron ores (hematite), such as are now mined in Bath county.

The Devonian and Silurian beds cover an area of about 1,200 square miles.

VIII. Ordovician (Lower Silurian)

1. Cincinnatian. — Richmond group; thickness, 140 to 210 feet. (b) Maysville (Lorraine) group; thickness, 280 feet. (c) Eden group (including three feet of shale at the base that has been tentatively referred to Utica age); thickness, 120 to 263 feet. (d) Cynthiana (Winchester or Lower Winchester of some geologists); thickness 20 to 90 feet.

Under the name Cincinnatian is included the so-called Hudson River series of some of the older literature dealing with the geology of Kentucky; also the "Hudson River" of the Kentucky oil-well driller.

2. Mohawkian.—(a) Lexington (Trenton) limestone group; thickness, 275 feet. (b) Highbridge (Stones River of Tennessee); partly under cover but the thickness is probably about 500 feet.

The Highbridge group includes the "Birdseye" (now named Tyrone), the "Kentucky River Marble" (now known as the Oregon), and the "Chazy" (now Campnelson), of some of the older reports of the State Geological Survey. The first two of the older names were discarded by the Survey, in recent time, because they were in conflict with present rules governing geologic nomenclature. While identification of the Chazy is not discarded, it is deemed best, for the present, to use the name Campnelson for the beds included under the older name.

Economic Materials: (a) In the Richmond: Blue limestones, petroleum.

(b) In the Maysville: Good building stone, brick clays.

(c) In the Eden: Petroleum.

(d) In the Cynthiana: Blue limestones.

(e) In the Lexington: Excellent building stones, large workable deposits of exceptionally pure barytes, carrying at many places considerable galena and zinc blende; some fluorspar in veins, pockets of gas, possibly some petroleum, phosphatic limestones (they afford the typical "blue-grass" soils), and lime phosphate deposits of commercial value. The latter result from the natural leaching of, usually, twenty-five to fifty-five feet of beds (resulting in the removal of lime carbonate), and the concentration of the residual insoluble lime phosphate into accumulations ranging from two to four and six feet in thickness. The barytes deposits occur in long, nearly vertical, veins, of which there are hundreds, extending through many counties. Central Kentucky is deemed, by those most familiar with the subject, the richest barytes field in the United States.

(f) In the Highbridge: Fine building stones, fluorspar, wide veins of pure calcite (upon which has been established an important industry), petroleum, gas. One of the noteworthy beds is a compact, peculiarly white limestone having "birdseye" structure. This was used in the construction of the old Capitol, and of other large old buildings in Frankfort. A more important bed is a beautiful cream colored, smooth-grained limestone. This is admirably suited for both structural and sculptural purposes; it should be in demand as a finishing stone for buildings. The original Clay Monument at Lexington, by Hart, was carved out of this stone; the graceful colonnade forming the front of the old Capitol is another example of its use. This is the "Kentucky River marble."

The Ordovician rocks cover an area of about 8,500 square miles.

In its physiography, its geologic features, and its mineral stores, Kentucky has the foundation upon which may be built one of the greatest and wealthiest manufacturing states in the Union; its agricultural possibilities may be so developed as to readily sustain a mighty population. Indeed, nature has here provided a wonderful inheritance for the children of the future. What will they do with it?

CHAPTER LXVI.

THREE REPRESENTATIVE KENTUCKIANS—JOHN MARSHALL HARLAN—SOME NOTABLE OPINIONS—SIMON BOLIVAR BUCKNER—NON-PARTISAN RESOLUTIONS—J. PROCTOR KNOTT—HIS ADMINISTRATION.

Kentucky has not been wanting in distinguished sons who have honored the State by attaining to the Supreme Court of the United States. The list of those who have thus served is as follows: John McLean, John Catron, John McKinley, Samuel F. Miller, Thomas Todd, Robert Trimble and John M. Harlan. Of these Justice Miller was at first a physician but subsequently studied law and was appointed to the Supreme bench by Mr. Lincoln in 1862 and attained high distinction as a just and learned jurist.

The senior Justice of that high tribunal, at this time, both in age and years of service, is Justice John M. Harlan who has thirty-four useful years on the Supreme bench to his credit. No apology is due for the extended sketch of the man and his service which follows:

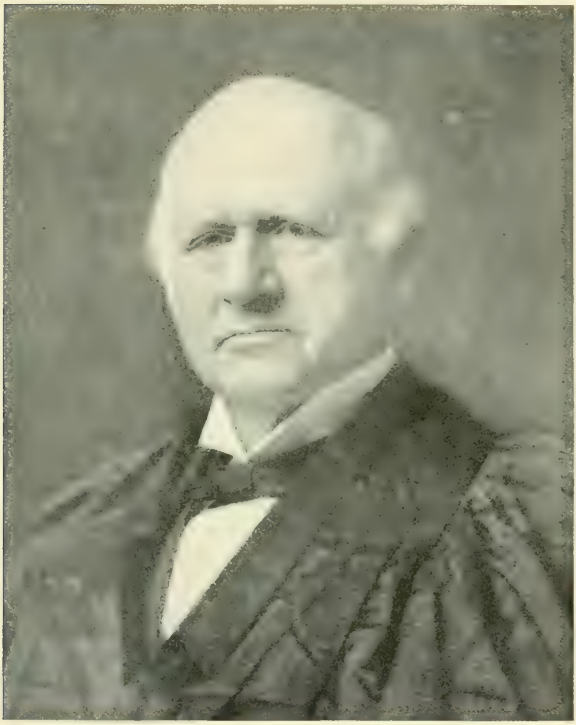
John Marshall Harlan was born in what is now Boyle county, Kentucky, June 1, 1833. Before the Revolution, two Harlan brothers—James and Silas—living in Chester county, Pennsylvania, changed their residence to what is now Berkley county, West Virginia. A descendant of one was James Harlan (the grandfather of John Marshall Harlan) who with his brother Silas and about thirty other young men, all living on or near the headwaters of the Potomac and Monongahela rivers in Berkley county, conceived the idea of settling in Kentucky, then a wilderness inhabited by Indians. They went down the Ohio river in small boats, arriving in Kentucky in 1774, two years before the adoption of the Declaration of Independence. James and Silas settled on Clark's run of Salt river, about seven miles from where Harrodsburg now stands. James Harlan (the second), the father of John, was born and reared there, as were all his children. He represented the Boyle District in Congress, 1835-1839. In the latter year, he removed with his family from his farm in Boyle county to Harrodsburg to practice law. In 1840, he was requested by Governor Letcher to become Secretary of State; he accepted the position, and changed his residence to Frankfort, the capital, when John was in his seventh year. Here the boy attended the celebrated private school of B. B. Sayre until he was fifteen. While in that school there arose one of those peculiar situations which so vitally affect the destinies of men. Sayre, the teacher, earnestly besought the father of this lad to have him trained for mercantile pursuits, urging that three of John's brothers were lawyers, and that was quite enough for one family. Now James Harlan was a Whig; he had steadily opposed the theories and policies of the Democratic party as founded by Jefferson and the principles of constitutional law maintained by him. He was a devoted follower and the confidential friend and admirer of Clay; was a great admirer of Webster, whose views as to the nature of the National and State governments were in entire accord with his own. He

was an earnest believer in the principles of constitutional law as announced by Marshall. The father had other and fonder hopes for the son than mercantile pursuits. He would not give his consent; said that he had always intended that John should be a lawyer, and so fixed had he been in that purpose that he named him John Marshall!

In 1848, Harlan entered Centre College as a junior and graduated from that famous institution with honor in 1850. Shortly after he left college he commenced the study of law at Frankfort under his father, spending part of the time in the Law School of Transylvania University, in which such distinguished men as George Robertson, Thomas A. Marshall, Madison C. Johnson and Richard A. Buckner were professors or lecturers. On April 16, 1851, before he was eighteen, he was appointed by Gov. John L. Helm as Adjutant General of Kentucky, and as such was *ex-officio* Chairman of the Board of Trustees of the two military schools, then in successful operation in Kentucky—the Kentucky Military School at Frankfort, and the Western Military Institute at Drennon Springs. On the Board of Trustees of the latter, in 1851, were Gen. William O. Butler, Col. Humphrey Marshall, Col. William Preston and Judge Thomas B. Monroe. At the commencement exercises in June, 1851, Harlan first met James G. Blaine, then a professor in the military school at Drennon Springs at a salary of $1,200 a year. In 1855 Harlan got his first taste for public speaking; at the county seats of all the mountain counties of the state he addressed public meetings in behalf of Charles S. Morehead, the American candidate for governor. In 1856, the American Party of Kentucky selected him as an assistant Elector at Large for Fillmore and Donelson. In 1858, he was elected County Judge of Franklin county; in 1859, he was unexpectedly to himself selected by what was then called the "Remains of the Old Whig Party of Kentucky," as its candidate for Congress in the Ashland District. His opponent was William E. Simms, afterwards in the Confederate Senate from Kentucky. The latter was returned as elected by only 67 majority, but Harlan always strongly insisted, after careful investigation, that he was elected by more than 500 majority, and cheated out of the election by the importation of fraudulent and illegal voters, brought into the district from Covington and Cincinnati. So firmly convinced were Harlan's followers that he was really elected that they raised $10,000 and put it in bank to his credit to defray the expense of a contested election; but upon due consideration he concluded not to make the contest. He had then attracted the attention of the entire nation and become widely known as one of its foremost public speakers. And here again was seen that peculiar influence which the world calls destiny. Had he been elected to Congress in 1859, when he was 26, what a change in his public career there might have been! If destiny had then changed his course, that change probably would have turned him to the Executive Department instead of the Judicial. In the contest of 1860, Harlan was placed on the Bell and Everett electoral ticket. They carried Kentucky and he cast his vote in the Electoral College for those candidates for President and Vice-president.

The year 1861 had dawned and the election for Congress was near. It was conceded that unless Harlan was the opposing candidate the Democrats would carry the Ashland district. Harlan felt bound to stand by those who had stood so valiantly by him in 1859; but he longed for his profession and felt that his imperative duty was to pursue it. As a solution, he resolved to disconnect himself from politics and to seek a larger field for practice. In February, 1861, he removed to Louisville and formed a partnership with the Hon. William F. Bullock.

Lincoln was inaugurated March 4, 1861, and shortly thereafter Sumter was fired upon; the



Yours truly
John M. Harlan

struggle was on. Harlan was for the Union "at all hazards." During May, June, July and August, 1861, he made speeches in every part of Louisville, earnestly urging the people to stand by the Union, and warning them against the dangers of every kind which would beset Kentucky if her people took sides against the Union and induced the State Government to support the cause of Secession. At his side, during all that time, stood James Speed, the Attorney-General of Lincoln. No two men did more than Speed and Harlan to prevent political managers in Kentucky from carrying that state into the Southern Confederacy. Kentucky was a doubtful state, and it is not too much to say that had Harlan and Speed exerted the same influence to take Kentucky out of the Union which they exerted to keep her in the Union, the verdict and judgment of the Civil war might have gone the other way. As an evidence of his zeal, in July, 1861, Harlan accepted the appointment of captain of a company of Union Home Guards. It was well known as the Crittenden Union Zouaves. In the fall of 1861 he established a camp at Lebanon, Kentucky, raised and organized the 10th Kentucky Infantry and became its colonel. His regiment became a part of the original division of Gen. George H. Thomas. In 1863, President Lincoln sent Harlan's name to the senate as brigadier general; but, on his own request to Senator Crittenden, based on his purpose to return to civil life on account of the death of his father, his nomination was not acted upon.

In 1863 the Hon. James Harlan, who had been twice elected Attorney General of the state, suddenly died, leaving a large practice, representing considerable money to clients and to his family. He left no other estate, and as upon its proper management much depended, Col. Harlan returned to civil life to take charge of his father's affairs. Major General Rosecrans, commanding the Army Corps to which Col. Harlan's regiment then belonged, advised him to do this, and his resignation was accepted with much regret by his superior officers. His letter of resignation, addressed to Brigadier-General James A. Garfield, then on the staff of General Rosecrans, is self-explanatory and speaks the real purpose of this man's life. In all the debates and state documents of history, there is none clearer in its language or stronger in its terms. There is no marvel that this man with these sentiments in his soul in later years became a great judge. It reads:

"I deeply regret that I am compelled, at this time, to return to civil life. It was my fixed purpose to remain in the Federal army until it had effectually suppressed the existing armed rebellion, and restored the authority of the National Government over every part of the Nation. No ordinary consideration would have induced me to depart from this purpose. Even the private interests to which I have alluded would be regarded as nothing, in my estimation, if I felt that my continuance in or retirement from the service would, to any material extent, affect the great struggle through which the country is now passing.

"If, therefore, I am permitted to retire from the army, I beg the Commanding General to feel assured that it is from no want of confidence either in the justice or ultimate triumph of the Union cause. That cause will always have the warmest sympathies of my heart, for there are no conditions upon which I will consent to a dissolution of the Union. Nor are there any concessions, consistent with a republican form of government, which I am not prepared to make in order to maintain and perpetuate that Union."

Col. Harlan returned to Kentucky immediately. Although still under thirty, the Union party of that state would not hear a refusal that he should go upon its ticket as the candidate for Attorney General of the state. He was elected and discharged his official duties at Frankfort in connection with the continuation of the practice left by his father and that

which he also acquired. At the conclusion of his term in the fall of 1867, he returned to Louisville and resumed the practice of his profession. In 1868, he identified himself with the Republican party and voted for Grant and Colfax. In 1871, the Republican party called him as its candidate for Governor, and he made a thorough canvass of the state. In 1875, his party again called him as its candidate for Governor. He was prevailed upon to yield and again canvassed the state. During the campaigns of 1871 and 1875, he spoke in every county in the state except one. He was unsuccessful in both contests, as the majority of voters were Democrats. No one had before received as many votes as he did (nearly 90,000) and been defeated.

In 1876, the Republican State Convention recommended Harlan for the Vice-presidency. He was chairman of the Kentucky Delegation in the National Republican Convention of 1876, which nominated Hayes. In 1877, while the Hayes-Tilden controversy was pending at Washington, Hayes determined that, if declared elected, he would appoint Harlan his Attorney-General. But when Hayes arrived in Washington to take the oath of office as President, political complications of a peculiar character arose which compelled him to forego this determination. In the summer of 1877, President Hayes appointed Harlan a member of what is known as the Louisiana Commission, which was charged with settling certain disputes that threatened to disturb the peace of that state. The work of the commission—composed of Hon. Charles B. Lawrence, Hon. Joseph R. Hawley, Hon. John C. Brown, Hon. Wayne MacVeagh and Col. Harlan—accomplished great good for the country. About this time President Hayes offered to Colonel Harlan any mission abroad which he might select. In the fall of 1877, President Hayes tendered to Colonel Harlan the office he now holds. It was not known to him that any one had presented, or would present, his name to the President. His ambitions had not been towards the judicial life. But he accepted, was confirmed, and was installed as Associate Justice of the Supreme Court of the United States on December 10, 1877.

For nearly thirty-four years he has devoted himself to the discharge of his judicial duties. He is the only survivor of those who were members of the court when he joined it—Chief Justice Waite, Justices Clifford, Swayne, Miller, Field, Strong, Bradley, Hunt, Woods. And he has survived many who were appointed after him—Chief Justice Fuller, Justices Matthews, Gray, Blatchford, Lamar, Brewer, Jackson, Peckham. Three other members also appointed after him—Shiras, Brown and Moody—are now in private life.

His term exceeds in number of years that of any member of the court since its organization, except Marshall, who served 34 years, 5 months and 5 days; Story, who served 33 years, 9 months and 22 days; and Field, who served 34 years, 6 months and 10 days. If Harlan should remain on the bench until June 11, 1912, he will have served longer than any other member of the Supreme Court in all its history. On June 1, 1911, he will be 78 years of age; he is now discharging his judicial duties with great vigor and without any sign of failing health. His opinions of today are equal to any he has ever written. The reports, commencing with 95 U. S., contain more than one thousand opinions written by him, in nearly seven hundred and fifty of which he spoke for the court. The remainder were concurring and dissenting opinions. He has written more opinions in cases involving questions of constitutional law than any other American judge. He has also written more dissenting opinions than any other Justice, and is often referred to as the Great Dissenter. There does not appear to be a case in which the questions were of vital importance and he disagreed with the majority that he did not express his dissent. Being asked why he dissented so much, he answered

that he only dissented when it seemed to be his absolute duty. His leading and most notable opinions for the court are:

Neal v. Delaware, holding that the Fifteenth Amendment of the Constitution of the United States rendered inoperative a statute of Delaware limiting the right of suffrage to the white race, and that the exclusion from grand and petit juries of persons, *because of their race,* was invalid; *Hopt v. Utah,* holding that the personal presence of the accused during the trial of challenges of jurors in a criminal case was vital to the authority to try him; *Exparte Royall,* holding that a Circuit court of the United States has the discretion to say whether, in advance of a final trial in the state court, it will discharge on *habeas corpus* an accused charged with violating the state law, even where the accused alleges that he is held in custody for trial by State authorities in violation of the Constitution of the United States; *Mugler v. Kansas,* in which the power of a state to prohibit the manufacture and sale of ardent spirits, within its limits, was sustained; *Minnesota v. Barber,* holding that a certain statute of Minnesota requiring the inspection, before slaughtering, of cattle, sheep and swine, designed for slaughter for human food, was, by its necessary operation, as to such animals slaughtered outside of the state, a burden on interstate commerce, and, therefore, invalid; *United States v. Texas,* holding that the Supreme Court of the United States had original jurisdiction in a suit by the United States against one of the states involving the boundary between the United States and such state; *Sparf v. United States,* holding that although a jury in a criminal case was entitled to determine the truth and weight of the evidence, its duty was to take the law from the court and apply that law to the facts as it found them from the evidence; *Davis v. United States,* holding that in a case where the defense was insanity, if a jury has a reasonable doubt whether the accused, upon all the evidence, by whomsoever adduced, was sane and responsible for the commission of crime, he was entitled to an acquittal; *Hennington v. Georgia,* sustaining the validity, so far as the Federal Constitution was concerned, of a Georgia statute forbidding the running of freight trains on any railroad in the state on Sunday, making certain exceptions in respect to trains carrying live stock; *C. & L. Turn. P. Co. v. Covington,* in which it was held that when the question was whether the legislature has exceeded its constitutional power in prescribing rates on a public highway controlled by a corporation, stockholders are not the only persons whose rights were to be considered, and that the public cannot be required to submit to unreasonable exactions, in order simply that stockholders may earn dividends; *New York, New Haven, &c. R. R. Co. v. New York,* holding that statute of New York, regulating the heating of steam passenger cars and requiring guards and guardposts to be placed on railroad bridges, was a valid exercise of the State's police powers and, if Congress did not interfere, such statute could be applied to interstate railroad trains; *Smyth v. Ames,* holding that a suit in a Federal court to prevent the Railroad Commission of a state from enforcing a statute fixing rates of transportation in such state, and which statute was alleged to be confiscatory in its operation, was not a suit, within the meaning of the Federal Constitution, against the state; and in which it was also held that the public was entitled to demand that no higher rates be exacted from it for the use of a public highway than the services rendered by it are reasonably worth; *Baldy v. Hunter,* holding that the transactions between persons actually residing within the Confederate States were not invalid for the reason only that they occurred under the laws of that government, or of any local government recognizing its authority; and that preservation of order, the maintenance of police regulations, the prosecution of crimes, the protection of property, the enforcement of contracts, the celebration of marriages, the set-

tlement of estates, the transfer and descent of property, and similar or kindred subjects, were, during the Civil war, under the control of the local governments of the Confederate States, and what was done respecting such matters should not be held invalid or disregarded *merely* because those governments were organized in hostility to the Union established by the National Constitution; *Lottery Cases,* sustaining the power of Congress to forbid the transportation of lottery tickets among the several states; *Jacobson v. Massachusetts,* sustaining a compulsory vaccination law in Massachusetts; *Northern Securities Co. v. United States,* holding that a certain agreement which destroyed or tended to destroy competition in transportation between the Northern Pacific Railroad Company and the Great Northern Railroad Company, was in violation of the Sherman Anti-Trust act, as forbidding competition in interstate commerce; *Union Bridge Co. v. United States,* holding that Congress, under its power to regulate interstate commerce could invest the Secretary of War, upon notice and hearing, to determine whether a particular structure was an obstruction to the free navigation of a waterway of the United States, and, therefore, acting by the Secretary of War, could require a state corporation, operating a bridge over a navigable waterway of the United States, to alter such bridge at the expense of such corporation, so that it would cease to be an obstruction to free navigation and this, although the bridge had been originally constructed under the authority of the State and may not, when constructed, have been an obstruction to free navigation; *Oklahoma v. Atchison, Topeka & Santa Fe Ry. Co.,* holding that although the Constitution gave the Supreme court original jurisdiction of all suits "in which a state be party," a state could not bring suit in that court simply because the state chose to make itself strictly a party plaintiff of record, when the real purpose of such a suit was simply to vindicate the rights of the people *generally* and to enforce the state's laws or public policy against wrongdoers generally; that the remedy against a corporation or citizen who, by violating the laws of the state, causes injury to particular individuals or interests was a suit in the proper court by the injured party against the wrongdoer.

Of his dissenting opinions, those which were most widely read, and which at the time attracted attention are: *Civil Rights Cases,* relating to the validity of the Civil Rights statute of 1873; *Hurtado v. California,* involving the validity under the Constitution of the United States of a statute of California, allowing a person charged with felony or other crime, to be proceeded against by Criminal Information, not by indictment; *United States v. E. C. Knight Co.,* relating to a combination under the control, by one company, of 98 per cent of the sugar refining companies of the United States engaged in manufacture and sale of sugar; *Pollock v. Farmers' Loan & Trust Co. (on rehearing,* involving the validity of the Income Tax established by Congress; *Plessy v. Ferguson,* relating to a statute of Louisiana requiring the separation of whites and negroes in cars and trains; *Hawaii v. Mankichi,* relating to the validity of certain regulations established in Hawaii in reference to criminal prosecutions; and *United States v. Hodges,* involving the power of Congress to reach by statute and by prosecutions in the Federal Courts cases of combinations among whites to prevent negroes solely *because of their race,* from working at a particular place or at such places as the members of that race chose of their own accord to render services for others.

An extract from Justice Harlan's dissenting opinion in the *Mankichi* case well illustrates his judicial tone; thus: "In my judgment, neither the life, nor the liberty, nor the property of *any* person, within any territory or country over which the United States is sovereign, can be taken, under the sanction of any

civil tribunal, acting under its authority, by any form of procedure inconsistent with the Constitution of the United States. I stand by the doctrine that the Constitution is the supreme law in every territory, as soon as it comes under the sovereign dominion of the United States for purposes of civil administration, and whose inhabitants are under its entire authority and jurisdiction. I could not otherwise hold without conceding the power of Congress, the creature of the Constitution, by mere non-action to withhold vital constitutional guarantees from the inhabitants of a territory governed by the authority, and only by the authority, of the United States. Such a doctrine would admit of the exercise of absolute, arbitrary legislative power under a written Constitution, full of restrictions upon Congress, and designed to limit the separate departments of Government to the exercise of only expressly enumerated powers and such other powers as may be implied therefrom—each department always acting in subordination to that instrument as the supreme law of the land. Indeed it has been announced by some statesmen that the Constitution should be interpreted to mean not what its words naturally, or usually, or even plainly, import, but that the apparent necessities of the hour, or the apparent majority of the people, at a particular time, demand at the hands of the judiciary. I cannot assent to any such view of the Constitution." These words which "have gone down in the record forever," subjoined to his letter or resignation from the army, establish as his one and main purpose at all times to stand by the Constitution and the Country and to perpetuate the genius of American institutions.

In this connection, it will be proper to refer to the interesting fact that two of Justice Harlan's opinions, one representing the Court and one a dissenting opinion, have been printed in the Congressional Record—*Continental Wall Paper Co. v. Voight & Sons Co.*, relating to a certain combination in the manufacture and sale of wall paper which was held to be a criminal offense against the Sherman Anti-Trust law; and *Exparte Young*, in which Justice Harlan dissented upon the ground that the Federal court could not, in any case, restrain the Attorney General of a state by injunction from bringing actions in the State courts to enforce a State law prescribing rates for freights and passengers on railroads doing business in such State, although such rates are alleged to be confiscatory in their operation. Attention is also called to a notable speech made by the Justice at a banquet given in his honor in New York in 1907 by the society in that city known as "The Kentuckians." By order of the Senate, that speech was published in the "Congressional Record" along with a speech in that body by Senator Teller. In his remarks on that occasion the Justice expressed fully his views as to the principles and form of our governments, National and State. Among other things, he said: "A National government for national affairs and State governments for State affairs is the foundation rock upon which our institutions rest. Any serious departure from that principle would bring disaster upon the American system of free Government. * * * The American people are more determined than at any time in their history to maintain both National and State Rights, as those rights exist under the Union ordained by the Constitution. * * * They will not patiently consider any suggestion or scheme that involves a Union upon any other basis. They will maintain, at whatever cost and in all their integrity, both National and State Rights. * * * The people of the United States cherish, and will compel adherence to, the fundamental doctrine that the States are vital parts of the American system of government; and they will insist with no less determination upon the recognition of the just powers of the States—to be exerted always in subordination to the Supreme Law of the Land—as essential to the preservation of our liberties. * * * If then the matchless

government devised by the fathers and ordained by the People of the United States is to be preserved and handed down intact to posterity, National power and State power must go hand in hand in harmony with the Constitution. If those powers clash, the paramount authority of the Union within its prescribed sphere of action must prevail. Such is the express mandate of the Constitution, and such our common sense and experience tell us must always be the case, if liberty regulated by law is not to perish from our land. The Nation being supreme within the sphere of its action as defined by the Constitution, its authority, when legally exerted, binds every State as well as all individuals within the territory of the United States. The glory of the Republic is that its affairs are regulated by a written Constitution—the fundamental law which distributes the powers of government among three separate, co-equal and co-ordinate departments, each exerting the authority, and only the authority, conferred upon it—and which Constitution, until amended in the mode prescribed by itself, must be deemed supreme over the Congress, over the President, over the courts, over the States and over the people themselves. * * * The National Government, it should be ever remembered, is one of limited, delegated powers, and is not a pure democracy, in which the will of a popular majority as expressed at the polls at a particular time becomes immediately the supreme law. It is a representative Republic, in which the will of the people is to be ascertained in a prescribed mode, and carried into effect only by appointed agents designated by the people themselves, in the manner indicated by law. It would be a calamity unspeakable if our institutions and the sacred rights of life, liberty and property should be put at the mercy of a majority unrestrained by a written supreme law binding every department of government, even the people themselves."

Justice Harlan's labors since coming to the Bench have not been confined solely to judicial work. In 1892 he was invited by President Harrison to serve on the Bering Sea Tribunal of Arbitration for which provision was made by the treaty between the United States and Great Britain in relation to the Pribiloff seals. The late Senator Morgan of Alabama was the other American representative on that Tribunal. The other members were Lord Justice Hannen of Great Britain, Sir John Thompson of Canada, Marquis Venosta of Italy, Judge Cram of Norway and Baron de Courcel of France. The Tribunal met in Paris in 1893. Its professed object was to devise ways and means for the preservation of those seals against the destruction by Pelagic Sealing. One of the questions in the case was whether Bering Sea was to be treated as an open sea, or could the United States regard it as a closed sea over which it could exercise paramount jurisdiction. Upon that question Senator Morgan alone voted that it could be treated as a closed sea, under the control of the United States. Harlan voted the other way. The United States only partially succeeded at the Arbitration. Harlan and Morgan both insisted that the Tribunal had the right to and should establish a zone around the Pribiloff Islands, the summer home of the seals where the pups were born and trained to travel in water. The Tribunal established the zone, but it was one which Harlan and Morgan protested was too narrow and insufficient. Subsequent events have demonstrated they were right, for the Government is now, after many years of inaction, neglect and indifference to the fate of the Pribiloff seals, trying to get more stringent regulations by the United States, Great Britain, Japan and Russia, which will protect them against the heartless assaults of Pelagic Sealers. Mr. Justice Harlan has been heard to say that he takes as much pride in his opinions or remarks before that Tribunal as in any of his judicial or quasi-judicial work.

On December 9, 1902 the Bar of the Supreme Court of the United States tendered a banquet

to Mr. Justice Harlan on his twenty-fifth anniversary as Justice—a recognition not often known in professional and judicial annals. At that banquet the President of the United States (Mr. Roosevelt) spoke the following words, viz.: "It is not an idle boast of this country when we speak of the Court upon which Mr. Justice Harlan sits as the most illustrious and important Court in all the civilized world. It is not merely our own people who say that—it is the verdict of other nations as well. Mr. Justice Harlan has served for a quarter of a century on that Court. During that time he has exercised an influence over the judicial statesmanship of the country of a kind such as is possible only under our own form of government. For the Judges of the Supreme Court of the land must be not only great jurists, but they must be great constructive statesmen. And the truth of what I say is illustrated by every study of American statesmanship, for in not one serious study of American political life will it be possible to omit the immense part played by the Supreme Court in the creation, not merely the modification, of the great policies through and by means of which the country has moved on to its present position." These are words of mighty import spoken by a great man. In 1910, the Bench and Bar of Albany gave a banquet at which Justice Harlan was present; Governor Hughes (now Associate Justice) referring to him, said that he "had read many, if not all, of the opinions delivered by the Justice, and he was prepared to say that as much as in the case of any judge—either in England or in the United tates—his opinions were dominated by the principles of *justice*."

In tracing the career of such a man, there comes a time when all comparisons cease, for "none but himself can be his parallel." But an honored name in a high place naturally suggests the names of others of the kind. Marshall was born in 1755 and lived eighty years; Harlan was born in 1833, two years before Marshall died. Thus the two careers extend over a period of more than a century and a half. Both endured all the horrors and privations of war and developed into great constructive statesmen. Marshall spent his early life in the country. He was a student by nature, but without those privileges which attended some of the great Judges of England, notably among them, Lord Mansfield, to whom Erskine referred as "that great and venerable magistrate who had presided so long in this court and high tribunal (King's Bench) that the oldest of us do not remember him with any other impression than the awful form and figure of Justice." Marshall had a military career under Washington, which ended in 1781; a successful political and legal career, and later became the great Chief Justice. Harlan also had a military career, a successful political and legal career, and has been the central figure of the Supreme Court for a quarter of a century. Marshall's opinions were broad in their range, far-reaching in their effect, and remind us of the placid flow of a great river. Harlan's opinions are smooth, studied, careful and ringing. His dissents remind one of the swinging of a heavy sledge.

There is to him a further service to his country. For twenty years he lectured at the George Washington University on the Constitution of the United States. During that period a procession of law students from all parts of the nation to the number of probably ten thousand passed before him and upon whom he shed "the illuminations of his mighty mind," in his characteristic way, expounding the Constitution and the great opinions of Marshall. Those students are now among the Nation's public men and lawyers, and hold within their hearts and souls the principle that this is a government of laws and not of men, and that the Constitution and all laws passed in pursuance thereof are the Supreme Law of the land. For no student who attended his lectures will either forget the man nor what he heard him say. His love for people, particularly the stu-

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S. B. Buckner
Lieut. Gen. C. S. A.

dents, and all the beautiful in the higher and better life is peculiarly manifested by his constant devotion to a Men's Bible Class in the New York Avenue Presbyterian Church, Washington, where for twenty years he has been found every Sunday morning from October to June expounding the Scriptures. His outdoor exercise and recreation is golf.

The history of Kentucky, to say nothing of the Nation, could not be truly or fully outlined without referring to the life and public services of Justice Harlan. "His fame, like a mighty river, will grow wider and deeper as it rolls downward." And while his name will always hold place with the great men of his race and will likewise be honored and revered "whenever constitutional liberty shall exist on earth," yet the true glory belongs to Kentucky, for he sprung from her soil and was trained and nurtured in our midst during the formative period of his life.

As Kentucky has but one living Justice of the Supreme Court so she and the South have but one living Lieutenant General of the Confederate Army. There are mushroom imitations of that rank found here and there, who sprang up after the storm of war had passed, but these may be passed over without further mention. General Buckner won his high rank by gallant and meritorious service in actual warfare and bears it today modestly, as becomes a soldier.

Gen. Simon Bolivar Buckner was born April 21, 1823, in the house at Glen Lily, Hart county, Kentucky, in which he today resides. He was the son of Aylette Hartswell Buckner, who was born in Albemarle county, Virginia, January 13, 1793, and of Elizabeth Ann (Morehead) Buckner, born in Kentucky August 9, 1801. General Buckner's father was brought to Kentucky by his parents at an early age and spent his long and useful life in this state. The military ardor of the son was a direct inheritance from the father, who as a volunteer soldier joined the army under General Harrison, and was with that officer at the battle of the Thames.

General Buckner received his primary education in academies at Hodgenville and Hopkinsville, and received his appointment to West Point, in June, 1840, from the Hon. Philip Triplett, of Owensboro, then the member of Congress from the district in which the young student's father resided. General Buckner pursued the regular course after admission to West Point and graduated in 1844, being at once commissioned a Second Lieutenant in the 6th United States Infantry. Two years later found the young officer in Mexico, where he participated in the siege of Vera Cruz and subsequently in the battles of Cerro Gordo, San Antonio, Churbusco, Molina del Rey, Chapultepec, Garita del Bela, and in a skirmish at Amazoque, ending his splendid service in that struggle by assisting in the capture of the City of Mexico. He was painfully wounded at Churubusco, August 20, 1847, and was brevetted as First Lieutenant for gallantry at that battle. A short time later, September 8, 1847, he received another promotion to brevet Captain.

The war with Mexico having ended, he returned with the army to the United States and was ordered to West Point as Assistant Instructor in infantry tactics remaining there for two years. In 1850, he was promoted to First Lieutenant in the line, his brevets in Mexico being honorary, not giving him active rank in accordance therewith. In 1851, he was in command at Fort Atkinson in the then turbulent and dangerous Indian Territory where his soldierly conduct won him promotion to Captain in 1852. Ordered to New York City, he was in the Subsistence department until 1855, when he resigned from the army and retired to private life, residing for some time in Chicago, during which time he was on the staff of the Governor of Illinois, and when the trouble with the Mormons in Utah caused the sending of an armed force there under command of

Col. Albert Sidney Johnston, he was appointed Colonel of an Illinois regiment of volunteers for service in Utah, but the ending of the Mormon troubles prevented the regiment from seeing active service.

Returning to Kentucky in 1860, the young officer was appointed Inspector General of the State Guard with the rank of Major General. By means of camps of instruction, he formed the State Guard into a compact body of young men fit for any service on the field. In the War Between the States, many of these young men as officers in the Federal or Confederate armies, won high distinction. In 1861 General Buckner was in Washington and, by reason of his military education and experience in actual warfare, was tendered by Mr. Lincoln a commission as Brigadier General in the Federal army which he declined. In September, 1861, having cast his fortunes with the South, he was appointed a Brigadier General and for a time was in command of all the Kentucky troops in the Confederate service. Subsequently he was ordered with his command to Fort Donelson to reinforce the commands of Generals Pillow and Floyd, then threatened by the army under General Grant. Elsewhere in this volume is related the story of the flight of Pillow and Floyd, and of the self-sacrifice of General Buckner who, true soldier that he is, refused to seek personal safety in flight, but remained with the army and when his gallant troops were worn out with constant fighting which he shared, he surrendered to the overwhelming forces of General Grant who, in the old army, had been his friend but whom the exigencies of war had made his enemy. Sent to Fort Warren in Boston harbor, General Buckner remained a prisoner of war in solitary confinement for eight months. Being exchanged, he was at once promoted to a Major Generalship in recognition of his gallant service at Fort Donelson. Ordered to report to General Bragg at Chattanooga, he was placed in command of a division of General Hardee's corps. He accompanied the army into Kentucky and had the honor to receive the surrender of a large force of Federals at Munfordville, the county seat of Hart county and within a few miles of his boyhood home. He was present with his division at Perryville, Kentucky, October 8, 1862, and participated in the severe struggle which marked that battle as the greatest ever fought in Kentucky. On the retirement of General Bragg from Kentucky, General Buckner was ordered to the command of the Department of Southern Alabama with headquarters at Mobile where his skill as an engineer did much toward perfecting the defenses of that city. In May, 1863, he was in command of the Department of East Tennessee and Western Virginia with headquarters at Knoxville. He participated as a corps commander in the great battle of Chickamauga, September 19-20, 1863, in which struggle it has been stated that the percentage of killed and wounded as compared to the numbers engaged on the two sides, was greater than that of any other battle of the war. In the spring of 1864, General Buckner reported to Lieutenant General James Longstreet and was ordered to join the Army of Northern Virginia. In September, 1864, he was promoted to be a Lieutenant General and assigned to the command of a corps in the Trans-Mississippi Department where he was at the conclusion of the war. Receiving orders from General Kirby Smith, his superior in rank, to "disband the troops under his command," General Buckner declined to obey the order but going under a flag of truce to New Orleans, he arranged for their surrender on the same terms as had been granted to General Lee.

For some reason, never stated, the autocratic Secretary of War, Stanton, refused permission to General Buckner to return to Kentucky. He thereupon took up his residence in New Orleans and was connected with the press of that city as an editorial writer for three years. General Grant coming into the

Presidency, set aside the despotic order of Stanton and General Buckner returned to his home and was editor of the *Louisville Courier* for a time previous to its consolidation with the *Journal*.

Induced thereto by the urgent appeals of many of his former comrades and many friends in civil life, General Buckner became a candidate for Governor of Kentucky. His entrance into the contest was at too late a date as many who would cheerfully have supported him had he announced earlier, found themselves pledged to other candidates. General Buckner's close friend, J. Proctor Knott, received the nomination and was chosen Governor at the succeeding election. Four years later General Buckner was again a candidate and was nominated and elected Governor of Kentucky. There were those who, while his ardent friends, feared that a man trained as a soldier and more familiar with the camp than with civil affairs, might not be successful in the direction of the affairs of the state, but these were soon relieved of their fears for the able soldier at once demonstrated that the rights of the people were safe under his guiding hand. The legislature which was in session soon after he became Governor, poured bill after bill upon his desk, many of which were destined never to find their way to the book of statutes. No bill was too small to escape his watchful eye; no cunningly devised scheme to enrich its promoters ever secured his approval. He was a veritable sentinel on the watch tower of the state. Veto after veto stopped the progress of bills which were for the benefit of the few and against the real interests of the many. The hand which so long had held a sword, now grasped a pen and the principles set forth in his messages as those which he would unswervingly maintain, were those of a civilian and those messages, as was frequently said at the time, might have been written by a lawyer who had had long service on the bench. Men who had doubted the wisdom of his election, hastened to assure him of their admiration for his administration and the watchful care with which he scrutinized every subject demanding his attention. Political opponents as well as personal and political friends, hastened to do him honor.

Upon the wall of his home at Glen Lily today hangs a handsomely engrossed copy of resolutions adopted by a non-partisan meeting of the leading men of Louisville assembled to pay the Governor the honor which was his due. So far as is known, no such honor has ever come to another Governor of the state. These resolutions are as follows:

"Louisville, Kentucky, April 13, 1888.

"A mass meeting of the citizens of Louisville was held at Masonic Temple on Friday afternoon, April 13, 1888, pursuant to a resolution previously adopted by the Board of Trade.

"Mr. R. A. Robinson called the meeting to order and nominated Mr. John E. Green as chairman, and Mr. Green was unanimously elected. Mr. John W. Buchanan was chosen by the meeting to act as Secretary and a large number of leading citizens of Louisville were designated as Vice Presidents.

"Col. John Mason Brown offered the following:

" 'This meeting of the citizens of Louisville assembled without regard to political affiliations, disclaiming all partisan feeling and speaking as free citizens of a free-Commonwealth, have the right and duty to speak in commendation of an upright, vigilant and conscientious public servant, and hereby tender their public recognition to Governor Simon Bolivar Buckner for the fearless and faithful manner in which he has within the forms and spirit of the Constitution and the obligations of his oath of office, prevented a mass of injurious legislation from ripening into binding statutes. They especially recognize that signal protection to the interests of the city of Louisville and its



GLEN LILY—HOME OF GEN. S. B. BUCKNER

citizens, which has secured a wholesome limit to the term of official power and applied to its Mayor that wise rule of the Constitution which limits eligibility in the office of Governor to a single term. And they declare that in all matters of municipal policy which involve the creation of a bonded debt and the imposition of burdens which must endure for years and affect their fortunes and their city's prosperity, the voice of the citizens should be heard and respected, expressed in the form of a free and fair vote and under the safeguard of a pure ballot.'

"Messrs. M. Cary Peter, Frank Hagan, W. R. Belknap, John H. Ward, Isaac T. Woodson and E. Polk Johnson advocated the adoption of Col. Brown's resolutions and when the vote was put a ringing cheer of assent was given.

"The Secretary was requested to notify Governor Buckner of the action of the meeting.

"John W. Buchanan, Secretary. John E. Green, Chairman."

When the official term of Governor Buckner was about to close, the citizens of Frankfort, without regard to political opinions, held a meeting at which the following preamble and resolutions were adopted:

"The citizens of Frankfort to Gov. Simon Bolivar Buckner.

"The citizens of Frankfort to whom during the past four years an association with Governor Simon Bolivar Buckner has been most acceptable, desire upon his retirement from the Executive office, to give some expression of the feelings of respect and regard he has inspired among them and to offer in public and permanent form, a testimonial by which it may be manifested; it is therefore,

"*Resolved*, That in his capacity as Governor of Kentucky, Simon Bolivar Buckner has entirely filled the promise of ability and integrity given by an earlier public service and with exceptional fidelity, intelligence and a fearless disregard of personal results, has conducted the affairs of the Commonwealth to the admiration of all its observing and capable people. They desire to bear witness that he has honorably and equitably administered the laws in all departments of his office and that in the exercise of his prerogative he has neither been compelled nor restrained by any fear of public censure, nor by any desire to court public favor, but that all of his acts have come from a desire to execute rightly and justly his duties as a public officer and that he has in no measure failed in this performance.

"With all of the higher elements of manhood, sensitiveness, gentleness and firmness, with the fullest human sympathy and the most generous impulses, he has steered clear of the shoals of all mere personal considerations and has adhered closely to the line of justice alike to the individual and the Commonwealth.

"In his social relations, he is frank, easy and unpretentious, endearing himself to all and winning such esteem as has opened to him the hearts and homes of Frankfort people. To him and to the fitting consort by whom he has been so gracefully aided and sustained, there will always be welcoming hands at the Capital.

"In thus ending the happy and honorable relations of four years, the people of Frankfort have only to regret that their extent of feeling is so restrained by limits of expression.

"Signed

"Pat McDonald,

"Chairman of General Committee.

"Lewis Mangan,

"Acting Mayor.

"B. F. Farmer,

"Secretary, General Committee."

During General Buckner's term as Governor the people of his native county unanimously elected him as their delegate to the Constitutional Convention in which he served with credit to them and to himself. Had his sug-

gestions been adopted the resulting Constitution would have been an instrument far superior to that which was finally produced. The Convention was unfortunately dominated by self-seekers and men to whom the sound of their own voices was sweet music, while men of the modest class to which General Buckner, Governor Knott, and others belonged, found their efforts of no avail.

In the memorable Presidential campaign of 1896, many Democrats found themselves unable to accept the theories of Mr. Bryan and the platform upon which he sought election. They were unwilling to support Mr. McKinley and the result was the holding of a National Convention of what came to be known as "Sound Money Democrats" at Indianapolis.

At this Convention, Gen. John M. Palmer, of Illinois, was nominated for President and Gen. S. B. Buckner, of Kentucky, for Vice President. These gentlemen made an extended campaign, and though they failed of election, they had the satisfaction of a duty well performed and the knowledge that they had held intact a nucleus of the older and better Democratic party around which all of its members could rally when reason and sane policies once more returned to its leadership.

From a character sketch of General Buckner written by the late Morton M. Casseday, of the Louisville press, the following extracts are made:

"In the foundation of so well-rounded a character as his many influences work, and in such a man we may see the epitome of a people. * * * His military training gave the large-minded man strength, reliance and self-control. He did not become a mere part of a military machine but a man of the strongest personality which made itself felt when he returned to the state after his service in the Mexican war. He framed the admirable military law of Kentucky; greatly increased the efficiency of the state troops and at the commencement of hostilities between the North and the South, was actively engaged in trying to maintain Kentucky's neutrality. When this had been disregarded, General Buckner went where his sympathies and his sense of right called him and cast his lot with the South."

Of the battle of Fort Donelson Mr. Casseday wrote: "This battle made General Buckner a hero of the war. He was the third in command but the brunt of the fighting, the mortification of surrender and the hardship of imprisonment fell upon him. * * * Floyd and Pillow left the field and their men and fled to Nashville. General Buckner, steadfast and true, remained with his little army and went with it into suffering and imprisonment.

"The Rev. Dr. Cross of the Confederate army in a sketch of General Buckner's military career, says: 'His moral character is irreproachable. During the months of my intimacy with him, I never saw in him an act or heard from him a word which would not become the purest Christian on earth. Though not a communicant of the Church his Bible and prayer book are his constant companions. In short, he is the most perfect gentleman I have found in the Confederate army, and of all the distinguished men, civilians or soldiers, whose acquaintance I have enjoyed, I have never known one whose private character was altogether so unexceptional as that of General Buckner.'

"Of General Buckner's conduct at Chickamauga, Dr. Cross says: 'He rode through the fiery tempest as calmly as if he knew himself invulnerable, and seemed as thoughtless of danger as if he were out on an equestrian pleasure excursion. He was everywhere among his troops, in front and flank and rear, directing their movements and cheering them to victory. To this cool courage, in connection with Longstreet's strategy and heroic resolution, more than to the management or energy of their compeers, is attributable the triumph of the Confederate arms on the field of Chickamauga.'"

As these words are written the aged hero of

two wars, now nearing the eighty-ninth anniversary of his birth calmly and serenely faces what life may yet have in store for him. With mind as clear and active as when he led his company into action in Mexico or his gray legions to the tremendous conflicts of a later and greater war, he is familiar with the events of to-day with which he keeps in touch as closely as do men far younger than he. About his hospitable board, he delights to gather young and old friends and nowhere is a more charming host. In a word, he is a young old man who refuses to live only in the past, though he recognizes that his days have been many. Writing to a friend who had failed to make a promised visit, he said with cheerfulness: "Time is becoming a matter of some importance to me, and if you delay your visit unduly, I may not be here when you come." And in this spirit, he sits upon the porch of his boyhood home calmly enjoying the present and with no fears of the future—a grand old man, a soldier and a statesman.

It is not the purpose of this history to write the lives of all Kentucky's famous men. Neither time nor space would permit so great a task. It would mean the writing of an entire biographical library. The author, whether wisely or unwisely the reader must judge, has chosen three men of more than local distinction as representative Kentuckians and has endeavored to fairly set them forth for the judgment of mankind. Mr. Justice John M. Harlan, of the Supreme Court of the United States; Lieutenant General Simon Bolivar Buckner, of the Confederate Army, and Governer J. Proctor Knott are the typical Kentuckians he has chosen. The first two have been represented in the preceding pages.

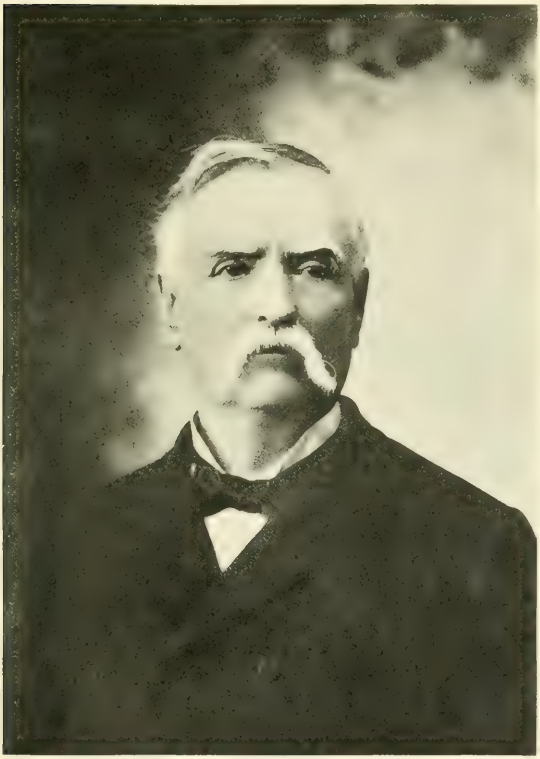
J. Proctor Knott was born near Lebanon, Kentucky, August 29, 1830. After receiving a liberal education, he studied law and after his admission to the bar, followed the example of thousands of other Kentuckians and removed to Missouri. Having a natural inclination towards politics—not for the spoils of office but because of a sense that it was the duty of a good citizen to give his best to his country—it is not surprising that the people of the county in which the young lawyer settled, should have chosen him to represent them in the Legislature. It was in this humble office that the foundations were laid for the great career of Proctor Knott in the Congress of the United tates. Always a student and a close observer, he saw and heard everything and forgot nothing. In 1859, he resigned his seat in the Missouri Legislature to accept an appointment as Attorney General of the state, being then but twenty-nine years old and having practiced law but eight years. The young lawyer had made the most of his opportunities and so firmly had he planted himself on the eternal principles of the law that at an age when most young lawyers are merely struggling for a foothold, he was recognized for appointment to one of the highest legal positions in the state. So excellently were the duties of the office performed, that on the expiration of his appointive term, he was unanimously nominated by a Democratic State Convention and elected thereto, though at that troublous time, the early days of the war, Democrats were not too popular in Missouri. In 1863, owing to the disturbed condition of affairs in that state, Mr. Knott, in common with many other Kentuckians, returned to his boyhood home and began the practice of law at Lebanon. His great ability did not go unnoticed by the people and he was soon called into active politics where for many years he was to exercise a wise and potent influence. The people of his district elected him to the Fortieth, Forty-first, Forty-fourth, Forty-fifth and Forty-sixth Congresses. Owing to the bitterness of partisan politics immediately following the war, Mr. Knott was not at once seated in the House after his first election, the usual charge of disloyalty being made against him and a majority of the Kentucky delegation when they presented themselves to be sworn as members,

as is related elsewhere in this volume. Finally, however, he was permitted to take his seat and begin a career in Congress which made his name known throughout the entire Union. When the Democrats came into power in the House, no member of the Kentucky delegation had committee assignments superior to his, and after rendering faithful service on each assignment, he reached the goal of every lawyer's hope in the House, the chairmanship of the Judiciary Committee. It was here that his fine mind and great legal attainments won for him the attention, not alone of his colleagues but of the thinking men of the country. It was a great position in that day, greater perhaps than at any other time. New conditions growing out of the war were daily to be met and considered and the chairmanship of the first law committee of the House entailed constant and untiring industry and watchfulness. There were shrewd lawyers in the opposition but the records of Congress show no instance wherein they obtained the advantage of Mr. Knott. He was a profound constitutional lawyer and one of his closest associates while in Washington, was the Hon. Jerry Black, of Pennsylvania, whom he esteemed the greatest lawyer of that day. They were both old-fashioned Democrats, a very different thing from latter day isms; they were both great lawyers, and thus they were mutually drawn to each other.

Solemnity used to be deemed a necessary accompaniment of statesmanship. Mr. Knott was not a solemn man; he could appear solemn on occasion but beneath the cover of appearance there lurked a smile and a fund of humor greater than most men possess. It was ever afterwards his sincere regret that he should have delivered the great Duluth speech which was received by the House and by the Nation with roars of appreciative laughter. No other speech ever delivered in the House has equalled it in satire, humor and effect. It came as a surprise even to the close friends of the orator. Some time afterwards he delivered in the House his Pennsylvania Avenue speech along the same humorous lines, but never afterwards did he attempt anything of the kind. The country measured the man by these two speeches, notably the first or Duluth speech, and his reputation as a humorist was established nation-wide.

For years afterward when it was announced that Proctor Knott was to speak men and women came for miles to hear him only to go away disenchanted and disappointed. They had come to listen to jokes, to quips and quirks and had listened instead, to a profound speech upon the Constitution or some one of the great questions then uppermost on the minds of thinking men. Mr. Knott felt these conditions keenly and often expressed regret that he had delivered the Duluth speech. Humor, though deeply imbedded in his nature, was a side-issue; he was, on occasion, a very serious man, perhaps altogether serious save in the midst of a circle of his friends when he was the most charming of companions. As a raconteur, he had few equals and his retentive memory permitted him to permanently treasure every good thing he had ever heard, while his brilliant fancy embellished the thoughts of others, making them his own so changed were they from their original shape.

In 1883, Mr. Knott was nominated by the Democrats for Governor and chosen to that office at the ensuing election. His administration was quiet, dignified and successful, though, like all others who, in the past fifty years, have filled that office, he did not escape criticism. The office of Governor of Kentucky is not filled with beds of roses. It is probable that there has been no incumbent of that position who has not retired therefrom with a sense of relief, though at the moment when these words are being written, a former Governor of the State is seeking to be re-elected to that office.



EX-GOV. J. PROCTOR KNOTT

After the conclusion of his term Governor Knott sought no other political honors, but the people of Marion county, mindful of his great capacity, chose him, unanimously, as their Delegate to the latest Constitutional Convention. In that body, he aimed to render, that service to the people of the state, that had ever been his high aim, but he was unable, it appeared, to stem the tide that set against him and the other wise men of that body. He was not a continuous speaker as were some others; he had no enemies to punish as had some others; he had no special interests to represent as had others; he was merely a representative of the sovereign people of Kentucky and was therefore high above the petty aims of lesser men, as were Buckner and a score of other good men whose voices were drowned by the noise of demagogues and self-seekers.

Governor Knott settled in Frankfort to practice law, particularly in the Court of Appeals, but it was not long until he was called to the head of the Law department of Centre College at Danville. This was a position adapted to his attainments and his tastes. He was fond of young men and liked to have them about him. He spent several pleasant years at Danville, until rapidly advancing age told him that the time for rest had come. Retiring from the college, he went to his home near Lebanon where, in the company of his books and with the friends of his boyhood, and their boys, about him he hoped to end quietly the days of a busy life. Unfortunately, this home was destroyed by fire and Governor Knott and his devoted wife went back to Lebanon where they had begun life together, and there, surrounded by troops of friends, beloved by all who knew him, this modest, brilliant and lovable man, but the other day, almost as these lines are written, laid down to pleasant dreams and passed into the Great Beyond leaving behind, it is believed, not one who was his enemy.

Governor Knott was a poet and an artist, but these were accomplishments never on public view; he kept them for his close friends. He wrote graceful verse and as an artist, he would have taken rank with the highest had he in youth, turned to sculpture rather than the law. A medallion in plaster of Paris of a beautiful lady executed by him as a gift for her gallant husband who was his friend, might well have been claimed as his handiwork by the proudest artist, as might also a pen and ink drawing of Hon. Jerry Black, which was an exact likeness of that distinguished man. These gifts, as has been stated, Governor Knott modestly kept for his friends only, as he also kept the warmest feelings for the select few whom he invited into his charming circle.

CHAPTER LXVII.

THE PRESS OF KENTUCKY—THE GAZETTE—JOHN BRADFORD—LOUISVILLE'S FIRST PAPERS—FIRST DAILY IN KENTUCKY—GEORGE D. PRENTICE—LOUISVILLE JOURNAL—LOUISVILLE DEMOCRAT—WALTER NEWMAN HALDEMAN—THE COURIER-JOURNAL—HENRY WATTERSON—EMMETT LOGAN—LOUISVILLE TIMES—OTHER NEWSPAPERS.

To write of the newspapers of Kentucky one's mind necessarily turns towards Louisville which for many years has sustained a press of National fame, but the first newspaper published in Kentucky was issued not in Louisville but in Lexington, where John Bradford, a brave old pioneer, issued *The Kentucky Gazette,* the first number being dated August 11, 1787, less than a score of years after the first permanent settlement in the then District of Kentucky. It would be interesting to compare the linotype machine and the great perfecting presses of today with the small font of type and the little wooden hand press with which John Bradford issued the first number of the Gazette. He came down the Ohio from Pittsburg on a flatboat and it is related that the first number was set up before he had reached the settlement which he had chosen as the place of publication. The forms were taken to Lexington on a packhorse and printers and newspaper people will be interested in knowing that one of the forms was pied in transit which delayed publication for several days. The *Gazette* was small but ambitious. It was in quarto form and consisted of two pages. The people of Lexington knew nothing of Bradford's coming or his intentions. They had not been informed that "now is the time to subscribe," when the *Gazette* was issued with this pretentious motto at its editorial head:

"True to his charge
He comes, the herald of a noisy world,
News from all nations lumbering at his back."

It is worthy of note that more than a century and a quarter later, the *Louisville Herald* used the same quotation from Cowper in its advertising matter.

There was naturally not much local news of interest to Lexingtonians in this first issue set up on the Ohio river, but the *Gazette* was welcomed and if ever a paper filled "a long-felt want" it is probable that the *Gazette* was that paper.

John Bradford was immune from some of the ills which befall his successors. For instance, his printers never struck for higher wages and shorter hours of labor. The office-boy never stole away to witness a game of baseball. The reason was simple. He was editor, proprietor, compositor, pressman and office-boy all in one, and his paper never missed a mail for the good and sufficient reason that there were no mails. What an ideal life this first editor of Kentucky must have lived. John Bradford was honored by those among whom he lived and wrought wisely and well. He was the first Public Printer of the State chosen by the Legislature, and the author of this history was the last one so chosen in Kentucky. He was chairman of the Board of Trustees of Transylvania

University, and at the time of his death in 1830, he was Sheriff of Fayette county. For forty years he had published the *Gazette* and when he passed to the eternal steep after a life well spent in the service of his fellow men, he was still its proprietor. When its first issue was made, the forest was filled with wild and fierce animals and still wilder and fiercer savages; when he issued his last number, peace, prosperity and happiness prevailed.

Before the close of the century which saw the first issue of *The Gazette*, Lexington had a second paper, *The Herald*, and that beautiful city is fortunate in that today it still has a *Herald*. Bourbon county had also a *Herald*, Mason county a *Mirror* and Frankfort a *Palladium*.

In 1801, Louisville had its first paper published by Samuel Vail and called *The Farmer's Library*, which was succeeded in 1808 by the *Gazette*. The *Western American* was the third paper issued in Louisville but its brief candle was snuffed out in less than a year. The *Western Courier* followed in 1810 and was the first paper published in Louisville printed on paper of home production. In 1821, this newspaper became The *Emporium and Commercial Advertiser* under which title it bore up until 1832 when it ceased publication. The *Louisville Correspondent* was also established in 1810 but its life was fitful and ended in 1818.

From the Memorial History of Louisville by that accomplished writer and gentleman, Colonel J. Stoddard Johnston, the following is taken:

"The next paper, which became the first daily published in Kentucky was *The Public Advertiser*, the advent of which marked a new epoch in the history of the state as well as the city. Prior to this time, Lexington had overshadowed Louisville in everything except the commerce which the Ohio river made possible. But in political prominence and control of the offices, State and Federal, in population, in literary and educational progress and in manufactures, Lexington had a supremacy over Louisville in which she felt equal pride and security from a tenure dating back to its foundation. With the exception of the Speakership of the Senate and the office of Lieutenant Governor—filled during the first twelve years by Alexander Scott Bullitt of Jefferson county, and the Speakership of the House—held for the first four years by General Robert Breckinridge of the same county—Louisville had had no other State officers. The Govenors, Lieutenant Governors and Speakers, Judges of the Appelate Court and Attorney-General had all come from Central Kentucky, or counties to the east of Louisville. The same was true of the United State Senators. Even as to members of Congress, Louisville had up to that time, only furnished one in Stephen Ormsby from 1811 to 1817. The great names in civil life which gave prestige to Kentucky had been from elsewhere. Lexington had a University already famous, together with a law and medical school equally well known for the eminence of its professors and graduates. It had manufactories of paper, nails, bagging, hats, rope and woolen fabrics. In Louisville, some progress had been made in the matter of foundries for steamboat machinery, but failure of the Tarascons in their effort to utilize the water power of the falls for the manufacture of flour on a large scale, had given a set-back to the establishment of similar industries. Now, however, the outlook was better. The steamboat, as a vehicle of commerce, was no longer an experiment and Louisville began to feel the good effects of her eligible position as a commercial city. The standing of *The Advertiser* emphasized this and at once attracted attention to its advantages as a business point.

"The founder of the paper was Shadrach Penn. He came from Scott county and originally from Maryland and had had editorial experience before coming to Louisville. He

was a politician of the Jeffersonian school and during his long service as editor of *The Advertiser,* adhered strictly to the tenets of his faith. The paper was started as a weekly with five columns of matter to the page. Two pages were given to editorials and other reading matter and two to advertisements. The paper on which it was printed was strong and of better texture than that of its predecessors. * * * On the 27th of January, 1819, it was changed to a semi-weekly and published on Wednesdays and Saturdays with no reduction in size. Its editorials were generally short with very few local items, but its selections and communications were frequently very long, the latter being chiefly political and generally marked with acrimony. * * * In the issue of May 10, 1819, John J. Audubon, the naturalist, then residing in Henderson, Kentucky, advertises for sale his undivided one-half interest in the Henderson Flouring Mill and several choice lots, on account of his proposed visit to Europe. In 1826 *The Advertiser* became a weekly. In 1838, it was published by Penn and Elliott as a large seven column paper. * * * The feature which strikes one in looking over all the newspapers of this period is the compactness of the matter, the absence of head-lines, and of any attempt of the sensational. Paper was costly then and no space was wasted."

George D. Prentice, who was later to become one of the noted editorial writers of the country, came to Louisville, in the time of Penn, and being of a different political school, the journalistic battles fought by the two were of a thrilling character. Col. Johnston in his Memorial History, writes as follows: "Notwithstanding the fact that Prentice and Penn, for eleven years sustained a fierce and frequently personal warfare, all reports tend to show that their social relations were friendly and that, off duty, they were 'hail fellows well met.' In 1841, when Penn removed to St. Louis, Prentice parted with him in an editorial replete with good wishes and an expression of regard. It has been said that Penn left on account of the unequal contest but this is hardly to be accepted as true, after a rivalry so long and so well sustained by one who had for twenty-two years conducted a paper of such merit and influence."

The *Focus,* established in 1826 was in 1831 merged into *The Louisville Journal* which paper still exists in the *Courier-Journal.* The object of the founders of the *Journal* was to fight General Jackson and support Mr. Clay and it fully lived up to this purpose. George D. Prentice, a native of Connecticut, came to the West in 1830 to write the life of Henry Clay. So vigorous was his style, so virile and full of sarcasm were his writings that those responsible for the *Journal* selected him as its editor and his after career fully justified the selection. He had newspaper experience in his native state and was quite prepared to put on the editorial harness when the opportunity presented. The *Journal* appeared as a daily, neatly printed and very ably edited. It was in after years derisively termed by the Democrat as the "Whig Bible" and certain it is that every Whig swore by it, while every Democrat swore at it. That was the day of editorial "leaders" which sometimes filled two or more columns of space. The *Journal* had these, of course, but it had also, short, sharp paragraphs with a sting in every one of them. In his day, there was no competitor to Mr. Prentice as a paragrapher. Not until he had passed from the eyes of men, did his equal in that line of editorial work appear in Kentucky journalism. It is the opinion of the writer and of many other persons, that Emmett G. Logan, so long the editor of the *Louisville Times,* was the most accomplished editorial paragrapher Kentucky journalism has ever known.

When the coming of Mr. Prentice to Louisville was announced, Shadrach Penn in *The Advertiser,* gave him a welcome torrid in

its nature and the forerunner of the war of words these two men were for years to carry on in their respective papers. The Memorial History says in the beginning of *The Journal:* "Expectation was on tiptoe among all readers of the press, the Democrats confidently expecting that it would soon be snuffed out by *The Advertiser,* and the Whigs nervous with apprehension lest the young editor should not be able to cope successfully with his veteran adversary. The rather ungracious introduction which Penn had given Prentice proved to be of great service to the new leader, for its very asperity was a concession to his formidable rivalry, and recognized in him a foeman worthy to be combatted. A policy ignoring him and belittling him by silence, would have been more effective. But if it gratified the Democrats, its effect upon the Whigs inured equally to Prentice's advantage. They looked upon him not in his individual capacity, but as the chosen exponent of their party, the young David selected by him whom they worshipped as their great political idol, to overcome with his sling the Goliath who had so long upheld the Democratic banner, and, one by one, vanquished every foe who had been pitted against him. His bearing, under the provocation, was discreet and manly. His resentment found vent in no violent rejoinder, but, while meeting Penn's raillery with wit, marked more with pleasantry than acrimony, he addressed himself sedulously to the task which lay before him, that of making *The Journal* a good newspaper and an efficient organ. The times demanded an exhibition of this force rather than that he should make his paper the vehicle of mere personality."

Mr. Prentice continued his strenuous efforts in behalf of the Whig party, though suffering the bitterness of defeat many times. Especially was this true in 1832, when the battle royal was fought between Mr. Clay and General Jackson for the Presidency which was won by the latter. Never was Mr. Prentice more brilliant than in the remarkable campaign. Youthful, ardent and personally devoted to Mr. Clay and his political fortunes, his pen was almost inspired. Mr. Clay received the vote of Kentucky but Jackson was elected. The *Journal* never faltered in the face of defeat but was, if possible, more insistent than before in defense of the principles of the Whig party.

The passing years brought the political and finally the armed forces of the country into conflict. The *Journal* was on the side of the Union and was its chief bulwark of defense south of the Ohio river. Yet there are not lacking those who have declared that Mr. Prentice had a sincere sympathy with the South, though opposing the doctrine of secession. As stated elsewhere in this work, he had but two children, both boys. These entered the Confederate army, the younger, Courtland, being killed in battle at Augusta, Kentucky, in September, 1862. The other son, Clarence, as a Major, commanded a body of somewhat irregular cavalry in the Confederate army, whose pleasure it was to make miserable the lives of the bushwhacking gentry in the mountainous sections of the South.

In 1868, as is related elsewhere, *The Journal,* was consolidated with the *Courier.* Thereafter Mr. Prentice did but little editorial work, his younger and more active associate, Henry Watterson, relieving him of the necessity for writing save when he felt inclined. January 21, 1870, after a brief attack of pneumonia, he passed off the stage on which for so many years he had played only leading parts.

The *Louisville Democrat,* founded in 1843, by Henry C. Pope, was for a long time the idol of the Democrats of Kentucky. It finally passed into the hands of John Harney and his son-in-law, William E. Hughes, who continued its publication until 1868 when it was purchased by the proprietors of the *Courier-Journal* and passed out of existence. Under the editorship of Mr. Harney, the *Dem-*

ocrat justly won and firmly held the affections of the Democrats of Kentucky. It was to them what the *Journal* was to the Whigs, though its tone and temper were different from that of the latter under the virile Prentice. The *Democrat* espoused the cause of the Union when the war came but its sympathies were Southern as a result of its earlier experiences. Though espousing the cause of the Union, the *Democrat* did not escape the suspicion of certain persons and it was stated that it barely escaped suspension at the hands of the military authorities. In those days of stress and storm, it was a fortunate man who was not suspected by some one.

The history of modern journalism in Kentucky is contained in the story of the life of Walter Newman Haldeman. He was the greatest and most successful publishing journalist the South produced during the whole period of his career, a man of indomitable energy, broad public spirit and catholic mind. When he entered the field of journalism in 1840 he found it occupied by distinguished political editors at the head of widely quoted political journals. It remained for him to introduce the invaluable but neglected feature of news, to develop it as fast and as far as the facilities would permit, and when he died he left one of the great newspaper properties of the country, known and quoted everywhere, possessing a commercial value in the millions. Always an ardent leader in the development of his city and state his newspapers were made engines of advertising the advantages of Kentucky without money and without price. In the extent of his devotion to every undertaking for the public welfare of Louisville he was for many years before his death easily its first citizen and most enterprising force.

Mr. Haldeman was born in Maysville, Kentucky, in April, 1821, the oldest child of John Haldeman and Elizabeth Newman, his wife, both of whom were natives of Pennsylvania. On the father's side he traced back to a sturdy Swiss ancestor, Caspar Haldimand in the town of Thun, Canton Berne, who was born there in 1671. This Caspar was a man of enterprise and vigor, actively operating in the French territory adjacent, as at home, and he was known in French as "Honest Gaspard" and in German as "Honest Caspar." On his mother's side, Mr. Haldeman descended from Walter Newman, a Revolutionary soldier of distinction, who was his grandfather, and who died at Newark, Ohio, in 1840. Mr. Haldeman's education was obtained at the seminary of Rand & Richeson in Maysville, the most famous Kentucky school of that day, second only to Transylvania University at Lexington.

Among his classmates were a group of men who earned great local as well as national distinction, among them Thomas H. Nelson, minister to Mexico under President Grant; his brother, General William Nelson, U. S. A., who was killed by Gen. Jeff C. Davis, of Indiana, in the Galt House, Louisville, in 1862; William H. Wadsworth, a brilliant lawyer and Congressman from the Maysville district; Judge E. C. Phister, who served notably on the bench and in Congress; greatest of all, General Ulysses S. Grant, twice President. With the exception of General Grant no member of that class achieved more distinction or was more useful to his country than Walter Newman Haldeman.

It was in 1837, that, leaving school at the age of sixteen Mr. Haldeman removed with his father to Louisville and found employment as clerk in a mercantile house, branched out by buying a horse and dray and hiring a man to drive it. In three years he had become a clerk in the counting room of the *Louisville Journal,* of which George D. Prentice was the famous editor and part proprietor. There the train was fired that determined all his future. He remained there from nineteen until he was twenty-two and saw no prospect of advancement. Then it was he borrowed $300, purchased a circulating library and en-

larged it to a book store and news stand. His place of business was on Fourth street in the very heart of the city's life. Shortly afterward he bought *The Dime,* a small newspaper, about on its last legs, and changing its name to *The Courier* he was first launched upon the career for which he was so admirably and peculiarly fitted. He sold the bookstore and concentrated his energy upon the newspaper which soon became a rival of Prentice's *Journal* by the force of its news value and the public spirit displayed in all local and state enterprises.

Success did not come over night. He was to serve his apprenticeship and pass through trials that would have disheartened the common man. He had various partners; he was persuaded to take one at the instance of Henry Clay and John J. Crittenden, only to learn that political ownerships were deadly to newspapers. Failure was imminent once, but letting the partner out he applied himself single handed to the problem and not only saved the day but put the paper on a paying basis. On September 18, 1861, *The Courier* was seized by Gen. Robert Anderson, of Fort Sumter fame, for its secession opinions. Mr. Haldeman in order to escape arrest by the military authorities fled to Bowling Green, Kentucky, where, under the protection of Gen. Albert Sydney Johnston and Gen. Simon Bolivar Buckner, he immediately resumed publication. When Bowling Green was evacuated he went along with the Confederate forces and with a "handful of type and a cider press" as the saying is, continued to publish it in a wagon until it found a home at Nashville. It was then called *The Louisville-Bowling Green-Nashville Courier,* the first instance on record of the hyphenated newspaper name. It became immediately famous in both sections and the demand for it was so great it could not be supplied. When Nashville was finally evacuated the publication had to cease for lack of material and a publication office.

When the war was over Mr. Haldeman found himself without means but with a reputation as a publisher that could be turned into credit. He made his way back to Louisville and on December 4, 1865, *The Courier* appeared once more on the streets, *The Journal* had its indomitable rival again to face and from that day to this not fires nor floods have caused it to miss an issue. From that new beginning it was successful.

In less than three years the intense business rivalry between *The Courier* and *The Journal* was to cease. On November 8, 1868, appeared *The Courier-Journal,* the two papers having been consolidated by agreement overnight, without previous notice, and to the great surprise of the public. Both papers were famous, but the competition was too costly to be supported by the community of that day. Agreeing that valor in such a contest lay in discretion, the consolidation was effected in a few hours, with Mr. Haldeman as publisher, George D. Prentice and Henry Watterson as editors.

Thus begun that long and remarkable collaboration between Mr. Haldeman and Mr. Watterson, that was to continue without jealousy or disagreement for forty years and resulted in the establishment of *The Courier-Journal* as a newspaper of international importance, with an equipment for news service equal to that of the great metropolitan papers of the country, among which it ranked. It quickly took its place as one of the great political influences in the task of rebuilding the South after the wreck of the war. No newspaper ever performed greater services for a country in moulding opinion, pointing out the opportunities of development and encouraging every movement that made for the re-establishment and enriching of the section.

Mr. Haldeman possessed in splendid measure the inborn many-sided genius of the publishing journalist. From his first venture in 1840 until his death, more than sixty years

later, the extraordinary vigor of his mind and body and purpose was unabated and unconquerable. The publishing journalist is like the military commander-in-chief, who may be neither of the cavalry nor the infantry, or the artillery, but who yet directs all of them. The publishing journalist may not himself write great articles or do any one of the many things required to be greatly done, in order to make a great newspaper but he must be able to write the articles through others and know them when they are written; he must conceive and direct the great feats of tact and energy involved in obtaining and presenting important news of all kinds and he must be able to recognize the true value of the work when performed. In proportion as he has this capacity he becomes a great journalist.

Mr. Haldeman was a forceful and pungent writer of editorials on occasion; he had written news in every department of his newspapers; but, in addition, and what is of even more importance, he knew by a penetrating instinct, that never failed him, exactly what was news, what the readers of every active class wanted to know and therefore he felt the value of news. More than this, he had the counting room instinct to handle and direct the business detail of the mechanical production and the selling of the paper when produced, for without this no newspaper can succeed. No property is more "perishable" than news, or more hazardous than a newspaper, and in order to be successful the publisher must find and serve every day the largest number of people with the latest, most accurate and most varied information. The one instinct necessary, therefore, for a great journalist is that of a keen and insatiable curiosity with respect to what is happening. This represents in itself the combined insatiate curiosity of the whole public with respect to everything that is happening. Mr. Haldeman had that instinct naturally and he developed it to penetrate to the greatest affairs of the world as to the smallest affairs of the community. It was as active when he passed from the scene as if age could not stale or custom wither its infinite variety.

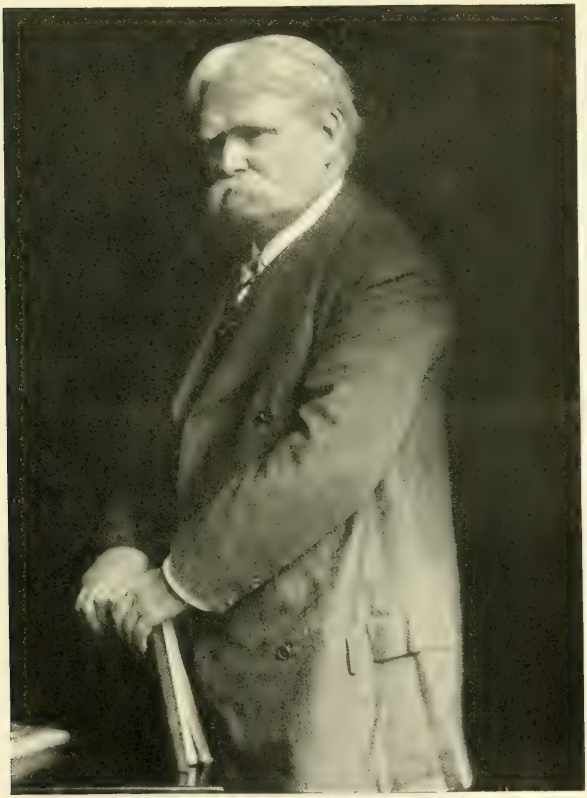
Like all great men Mr. Haldeman was marked by strong simplicity and directness of character and methods. He went boldly into every undertaking and concentrated all his energies to accomplish the result. Such men invariably attract to themselves strong men as lieutenants. Mr. Haldeman began publishing in the days when there was no telegraph, no organization to secure news, and when the chief means of communication was the mail and the fastest distribution was by river steamers. Seeing the advantages of the latter he organized a service of quick delivery of Southern and Eastern papers by steamer and these were met and the news of other sections quickly obtained. He also developed the mail service correspondence from other centers and was a pioneer in special correspondence in the West and South. There is no doubt that his unconquerable energy in the search for news led the way to much development in the postal and express services, of which the general public received the greatest share of benefits. Beginning with small means and having to make his resources stretch to the utmost, his enterprise increased with what it fed upon and up to the last day of his active service, a few days before his death, he hesitated at no expense or effort to obtain important news and give it to the public.

A man of remarkable personal traits he was a great leader and power in Louisville, though he seldom appeared in public. He surrounded himself with a large following of loyal journalists and many of the most successful men on the modern press in the largest cities of the country got their early training and opportunities under his direction, until the *Courier-Journal* came to be a sort of university of journalism. Democratic in his bearing, his private office was an "open house" to everybody, from the humblest newsboy who had a

request to prefer, to the highest cabinet minister. He had time for everybody and his operations were directed by characteristic short nervous notes of instruction and suggestion jotted down during conversations or between times and quickly dispatched. He had little patience with incompetency but was highly tolerant of ability and energy and rewarded it wherever he found it.

No citizen of Louisville ever contributed more to public enterprise, and to public and private charity than he. His purse was open to every undertaking that had a fighting chance to win or attract attention to the city. For many years in every movement that had any promise his was the spirit and the material treasury that supported and pushed it forward. When he died in the fullness and ripeness of years and service the public display of sorrow and respect was ample testimony that there had passed away the First Citizen of Louisville.

The name Henry Watterson means journalism wherever that word is spoken. For nearly fifty years he has stood at the very head of all newspaper writers in the United States and today there is none to be his parallel. Years ago there was the most brilliant coterie of men editing newspapers that this or any other country has known. Horace Greeley, Charles A. Dana and Whitelaw Reid in New York; Samuel Bowles at Springfield, Massachusetts; Murat Halstead in Cincinnati; Joseph Medill of Chicago, and Henry Watterson of Louisville, by no means the least of these who were giants all. Of that illustrious body of men but two are living in 1911. Mr. Watterson and Mr. Reid, the latter now and for many years, the Ambassador of the United States at the Court of St. James. Mr. Reid having left the editor's chair for diplomatic honors, Mr. Watterson is the sole living representative of the strong body of newspaper men who in 1872 rallied about the standard of Mr. Greeley in the hopeless effort to elect him to the Presidency. Henry Watterson was born in Washington City, February 16, 1840, his father, the Hon. Harvey M. Watterson, being then a member of Congress from the Tennessee district formerly represented by James K. Polk, who left Congress to become Governor of his state and subsequently President of the United States. Mr. Watterson enjoyed the distinction of being the youngest member of the House in the first Congress in which he served. In consequence of defective vision, the education of Henry Watterson was largely received from private tutors, though he passed four years in an academy in Philadelphia and narrowly escaped being a poet and musician, an injury to one of his hands interfering with his musical training. This was providential as after events proved. Mr. Watterson's future was determined by Fate which, operating along lines of easy resistance, led him to newspaper work. His father was a journalist or as he would prefer to have it said, was a newspaper man. The son, following the bent of his father's mind, was the editor of a school paper in his early youth and even then made "The Ciceronian" different from and a little better than other papers of its kind. Joining his father in Tennessee after the ending of his school days, he was owner and editor of his own paper, *The New Era,* taking yet another step towards that high eminence in the newspaper world he was destined to attain. He was then, as now, a Democrat and the boyish pen wrote soul-stirring appeals to the Democratic hosts. His first editorial, a bugle call to party arms, was copied by a Nashville paper and from that into the Democratic press of the Nation. He was then but sixteen years old, but had taken his first step that led to Fame and Henry Watterson's bugle calls have been sounding in the ears of all the people since that time, save in the interval when he devoted his time and talents to "breaking up the Government" in 1861-5. At eighteen he was in New York writing for *Harper's Week-*



Your Friend
Henry Watterson

ly, The Times and other papers. In 1859 he was in Washington again, employed on *The States,* edited by Roger A. Pryor. The war was coming on apace and Mr. Watterson was where he could easily hear the warning sounds which foretold the impending irrepressible conflict. Like his father, he opposed secession, but when the die was cast, he went with the South as did thousands of other good men and true who, doubtini the wisdom of secession, yet went with their own people into the maelstrom of the succeeding four years. He was aide-de-camp to Gen. N. B. Forrest, the Wizard of the Saddle, and later on the staff of Bishop Leonidas Polk who, for the time being put aside the habiliments of the church to don those of the soldier and no more gallant gentleman or general ever led his legions to battle.

For a time during 1862 and 1863, Mr. Watterson directed the affairs of the Confederacy and its armies as he deemed they should go, through the medium of *The Chattanooga Rebel,* the most unique newspaper ever published and certainly the most popular journal in the camps that was published anywhere in the South. Associated with him on this paper was another young man, Albert Roberts of Nashville, equally audacious with himself, and what those two youngsters did not know and make public about the manner of conducting a Government or directing the movements of an army was a negligible quantity. It was of great service to the army. During the uncomfortable and disastrous days of the winter of 1862-3, its daily visits to the camps put heart into the soldiers and consoled them, in part for the wasted opportunities of the battle, won and thrown away by Bragg at Murfreesboro.

When the war ended, Mr. Watterson was connected for a time with the *Nashville Banner* from which paper he came to Louisville taking an editorial position with Mr. Prentice on *The Journal.* Louisville was then a town of perhaps 75,000 inhabitants yet it had three morning newspapers, the *Journal, Democrat* and *Courier.* The field was too small, a fact easily apparent to Mr. Watterson and Mr. Haldeman. These two, each eminent in his special field, saw a clear way out. The result was the merging of two papers into the *Courier-Journal,* the purchase of the *Democrat* and the beginning of the fortunes of the first named. Mr. Prentice was an old man; his day was past and he soon found rest. Mr. Watterson's great opportunity had come and it found him ready. Great questions of the war were yet to be settled and with all the ardor of his nature, he threw himself into the heated discussions which marked the journalism of that day. He was liberal, progessive and eloquent in the stand he took as to the duty of the Southern people. He counseled them that the war was ended; preached peace rather than strife and besought them to set about saving something from the wreck of their great section rather than devoting their time to uselessly bemoaning their fate or heaping maledictions upon those who had won in the game of war. He fought for a reconciliation between the sections only to be denounced by many of those he sought to best serve in the South, and to be jeered at by the extremists at the North who refused to believe that any good could come out of the Southern Nazareth. Neither extremists, North or South caused him to halt for a moment on the line of march he had marked out. Here in Kentucky there were Bourbons, who, after the manner of their kind, had learned nothing, forgotten nothing. Many of these were men whose passions had not grown heated until after the fires of war had burned to ashes. These were loudest in denunciation of the course the young editor declared from day to day, the South should follow. He took no offense and small notice of these belligerents after the fact. The *Courier-Journal* was pleading for a united country, for the up-

building of a stricken section and had no time to waste upon "Tray, Blanche and Sweetheart" bark they never so loudly and viciously at its heels.

Mr. Watterson was in advance of the Democratic party in the South and in Kentucky in this course, but he has lived to see the entire Union in line with what he nearly fifty years ago declared was the only line upon which peace, unity and prosperity could be hoped for. As he was in advance then, so has he led the party and the country many times since. His nervous style, his clear look into the future, his forceful manner of relating what he discerns in that future, all these have tended to make the editorial page of the *Courier-Journal* the most quoted of any newspaper in the country; its editor the most widely known journalist in the Union. He has sometimes paid the penalty of being misunderstood; he has often been abused and misrepresented but has never been turned by either of these modes of attack from the course which he has marked out as the only proper one to pursue. Abuse he really seems, at times, to enjoy. He has been known to say that when nobody was abusing him, it was a sign that he was not doing his duty. With Mr. Tilden as his choice for President, he came into Nation-wide prominence. He was temporary chairman of the convention at St. Louis which nominated Mr. Tilden. He presented the "Star-Eyed Goddess of Reform" to the Nation and the Democratic party has had no abler advocate of a "Tariff for Revenue Only" than he. He has declined office, save for a few months during the stirring events connected with the disputed Presidential election of 1876 when he sat in Congress filling out the term of Hon. Edward Y. Parsons of Louisville who had died. He has been a delegate to many National conventions; has constantly served on the platform committees and it is generally understood that he wrote entirely the platform of 1880. He opposed Mr. Bryan in 1896 and supported Palmer and Buckner. "No compromise with dishonor" was the thrilling message he sent under the sea from Switzerland to Mr. Haldeman when he learned that Mr. Bryan had been nominated on a free silver platform. Coming home from Europe, he threw himself into the fight against Mr. Bryan and in favor of a sound and stable financial policy. Thousands of subscribers to the *Courier-Journal* canceled their subscriptions, heavy loads of abuse were heaped upon the paper and all connected therewith, yet it kept its course swerving not an inch and living to see the whole country today accepting without protest, the principles for which it fought in that memorable campaign. The *Courier-Journal* has seemed to thrive upon opposition. Editorially it is the strongest paper in the Union, while financially it stands at the head of all the newspapers of the South.

Mr. Watterson is an orator as well as the ablest, most accomplished editor of his day and generation. It is an unusual combination. Few great editors have possessed the graces of the orator; few orators have succeeded when they attempted editorial work. Upon the lecture platform, he has charmed and thrilled audiences from the Atlantic to the Pacific, and in conventions and on set occasions none more gracefully and eloquently than he charms the listener. He is a many-sided man; the last of the great editors of the period following the war and it is not too high praise to say to him that he was the equal of the best of them, the superior of most of them.

Some partial friends of Mr. Watterson at one time urged his election to the United States Senate but he quickly made known his objections in the following clear-cut statement:

"To those over-partial yet unreflecting friends who are coupling the name of the editor of the *Courier-Journal* with the United States Senatorship, he tenders his hearty

thanks. Kind words are exceedingly pleasant to hear, even though they be irrelevant. In the hey-day of his manhood, before he lost his party standing, Mr. Watterson had set his face resolutely against office. He was not willing to exchange freedom and affluence at home to take poverty and slavery at Washington. He had then, as now, a post better suited to his needs and capabilities than any which the government or the people could give him. Then, as now, he rejoiced in his calling and his work, in their independence, their disinterestedness and their opportunities for useful public service. Through a long life they have sufficed him. So, please God, he will die as he has lived, a journalist, and only a journalist, but a journalist who owes nothing of fear, or favor, to any party or faction, or mortal man, seeking none other honor than that which springs from the confidence and respect of his fellow-citizens."

At this writing, Mr. Watterson is journalistically happy as he is in the midst of a bombardment by that section of the State press which is urging the adoption of sumptuary legislation which, as a Democrat of the old school, he opposes. The "new issue" Democrats, who take their orders from Mr. Bryan, as they have constantly done since 1896, oppose Mr. Watterson's views, some in a manly, courtly manner; others in a different way. To the former, he replies in the same tone they adopt; the latter occasionally feel the lash in a way not soon to be forgotten.

Mr. Watterson nears his seventy-second year, but is still youthful in manner and his editorial work is as virile as in the days of his youth. That he may long be spared to maintain the *Courier-Journal* as the very head and front of the long line of journalistic enterprises of the country, is the wish of all who know him, even those who are often impelled to oppose him.

A history of journalism in Kentucky which failed to note the influence of Emmett Logan would lose an interesting chapter. His was a unique genius, and a genius he was in his specialty—that of a keen, incisive and occasionally merciless paragrapher. He was a newspaper man from the ground up whose search for news was insatiable; when he went out for information he secured it, sometimes to the intense regret of the parties interested in its suppression. When he wrote a paragraph it went straight to the spot at which he aimed and there was no need of a glossary to explain what he meant. He was at one time the Managing Editor of the *Courier-Journal* in which position he was probably less successful than in any other ever held by him. He was hampered in that marvelous fancy of his while holding this position and was restricted in that free expression of his opinions and feelings in which he delighted. One long associated with him in newspaper work, was once described by a superior on the staff as "insubordinate," and the term applies equally as well to Mr. Logan as to his associate and is probably unjust to neither.

Emmett Garvin Logan was born on a farm near a beautiful stream known by the classic name of "Bullskin" in Shelby county, Kentucky, October 9, 1848. He was the son of Benjamin Harrison Logan and Martha (Williamson) Logan. He is of Scotch-Irish descent on the paternal side, his grandfather, James Logan, coming direct from Ireland during the eighteenth century and settling in Virginia where he married Mary Logan, a daughter of John Logan known as "Boutetourt John" who was a cousin of General Ben and Colonel "John of Lincoln" Logan, noted in frontier history as gallant defenders of the settlements against savage incursions. The family was extensive and largely established in Virginia, while those who came to Kentucky have written their names well in the State's history.

On the maternal side, the family came from Tennessee, Mr. Logan's mother being a daugh-

ter of Thomas Williamson of that State. So numerous are the Logans of Kentucky that it is difficult to trace the connection between them, but as they are all active, energetic, good and hard-headed citizens, it is probable that they all descended from the same primary stock.

Emmett G. Logan, as was the rule in the days of his early boyhood, received instruction in what were once known as "old field" schools under private teachers, the public school system being then but little known outside the cities and larger towns. From this inadequate school, he had the immense advantage of being sent to a splendid preparatory school at Shelbyville conducted by an admirable trainer of boys, the late Professor J. W. Dodd. After three years in this school, he entered Washington and Lee University at Lexington, Virginia, then under the presidency of the great soldier and man, General Robert E. Lee, graduating with honors in 1871. While at the University following an impelling force which he probably did not then recognize, Mr. Logan became editor of the "Collegian" and thus began the work that was to be his chosen task for so many successful years. In 1872, he founded at Shelbyville the *Courant,* a weekly newspaper, which he edited so brilliantly as to soon become widely known among newspaper men as a new and bright reenforcement to their ranks. But a weekly paper was not to Logan's liking; he needed a wider field, and several years after founding the *Courant,* he sold it and became one of the staff of the *Courier-Journal,* his specialty at first being Kentucky and Southern news, which he supplied in tabloid form thus laying the foundation for the paragraphs which some years later were to make him well and widely known wherever newspapers were read.

Mr. Logan during this period developed also a talent for correspondence in which he was successful; no item of news ever escaped his vigilant search and his letters were one of the attractive features of the paper. Going to Frankfort as a legislative correspondent, he soon "stirred up the animals" with his trenchant pen and fearless exposure of whatever he deemed was wrong. There had been, to say the very least of it, extreme carelessness in the matter of mileage paid the members, some of whom had undoubtedly collected more money than they were entitled to. Mr. Logan attacked and exposed the existing system, arousing the wrath of those whom he charged with having been paid excessive mileage. It was proposed to deny him the privileges of the floor such as were granted to all correspondents but, greatly to Mr. Logan's regret, this was not done. From the galleries, open to all the public, he would have taken notes and printed them which would have made those responsible for his expulsion the laughing stock of the State.

In 1879, former Lieutenant Governor John C. Underwood established a semi-weekly newspaper at Bowling Green and induced Mr. Logan and E. Polk Johnson, who had been fellow-members of the *Courier-Journal* staff, to become its joint editors. Mr. Johnson retired from the new paper within a few months and returned to the *Courier-Journal.* The paper not proving successful, its publication was discontinued, Governor Underwood establishing a paper known as the *News-Journal* in Cincinnati of which Mr. Logan became the managing editor. Leaving Cincinnati, he returned to the *Courier-Journal* of which paper he became the managing editor as before stated.

In 1884, the *Louisville Times* was born on May Day, its editors being Mr. Logan and his long-time associate, E. Polk Johnson. When this new venture was but one year old, it had established itself as a financial success and was one of the widely quoted newspapers of the country. At the expiration of eighteen months, Mr. Johnson withdrew from *The Times* to become managing editor of the *Courier-Journal* while Mr. Logan remained with

the young giant of afternoon journalism and established the enviable reputation of being the greatest paragrapher in American journalism. No one in Kentucky journalism had ever approached him save Mr. George D. Prentice of the *Louisville Journal*. With Mr. Prentice the paragraph was but an incident of the editorial page which was dominated by the heavy and lengthy leading editorial common to his day. With Mr. Logan the paragraph was the editorial page's whole existence. It is doubtful if the files of *The Times* during his entire service with that paper, contain an editorial written by him that filled one-fourth of a column. If he had anything to say, he said it in four or five lines and everyone knew what he meant when it was read.

Several years since, to the regret of the reading public, Mr. Logan retired from *The Times* and purchasing a splendid farm near Bowling Green retired to the shade of his own vine and fig tree, in the enjoyment of the respect and esteem of the thousands who had read his brilliant paragraphs yet had never met him, and the love of those who knew him best and therefore esteemed him highest. He was married November 30, 1881, to Miss Lena Covington of Bowling Green, the daughter of Dr. Albert Covington of that place. To them were born three stalwart sons, Wells, Emmett



Barbecue on Col. Emmett G. Logan's Farm, "Walnut Cliff Farm," near Bowling Green, Warren County.
Col. Logan Holding a "Horseweed in Center of Picture.

and Delaney. A few years since a great grief came to Mr. Logan in the death of his gentle and accomplished wife. Since then, he has divided his splendid estate of more than five hundred acres among his three sons, taking up his residence in Bowling Green.

Mr. Logan is a Democrat but has been known to go a fishing on election day when a candidate not to his liking happened to be on the ticket. It would be a brave man who would suggest to him that he vote for the candidate on the other ticket.

Mr. Logan is a Presbyterian by birth, training and predilection, but an irreverent friend suggests that he reminds him of the small boy's reply to his Sunday school teacher who asked him if his father was a Christian. "Oh, yes," said the boy, "Dad's a Christian all right, but he ain't doing much at it here lately."

Numerous inducements have been held out to Mr. Logan to return to journalism, or as he would put it, "to newspaper slavery" but he has resisted temptation, and passes into history as "Farmer Logan," a title given him when he left a newspaper office to become a successful farmer.

There have been and are today numerous other newspapers in Kentucky of high standing but the limitations of this work prevent other than the merest mention. *The Frankfort Commonwealth* owned and edited years ago by A. G. Hodges was a powerful engine of the old Whig party, but is today scarcely more than a memory. *The Kentucky Yeoman,* also published at Frankfort, was equally as potent in its support of the Democratic faith under the editorship at different times of S. I. M. Major, J. Stoddard Johnston and Henry T. Stanton. It too has almost faded from memory save among those older men who read it in other years. *The Evening Post* of Louisville, an independent newspaper, edited by Richard W. Knott, with Republican leanings, is a prosperous and virile publication. The *Louisville Times,* edited by W. B. Haldeman, is probably the most prosperous afternoon paper in the South. It is Democratic politically, and does not see much to admire in the tenets of any other party. *The Herald* at Lexington, edited by Desha Breckinridge is a prosperous and excellent paper of pronounced Democratic opinions but its editor does not hesitate to express his opposition to candidates of his party whom he deems unworthy of support. The *Evening Leader* of Lexington, owned and edited by Samuel J. Roberts, is a Republican paper, able, clean and forceful with a high standing in the party and among those who respect an adversary who fights fair. The *Louisville Herald* is the only other Republican daily newspaper published in the State. It is under the editorial management of S. J. Duncan-Clark and is a clean, well edited and prosperous paper. The *Daily Messenger* at Owensboro, is owned and edited by Urey Woodson, for a number of years past a member of and Secretary of the National Democratic Committee. In the days when Mr. Bryan had the habit of running for the Presidency, Mr. Woodson was his ablest supporter in Kentucky. The *News-Democrat* of Paducah edited by W. A. Berry is a strong and excellent paper which has done its full share in keeping the First District in the Democratic line. The *Kentucky News-Era* at Hopkins, owned by Walker Wood and edited by T. C. Underwood, is a bright and shining Democratic light in the Second district. Mr. Underwood has a lively fancy; does not let anyone know that there was ever a dark side to life, and among the newspaper men of the State is a well-beloved associate.

The *Messenger,* edited by Edward O. Leigh, the *Times-Journal,* edited by Denhardt Brothers, and the *News,* edited by John Gaines, are the three daily papers which keep the people of Bowling Green informed as to the news of the world. If the publishers of these papers were to take the newspaper men of the country into their confidence and convey to them

the secret of the success of three daily newspapers in a town of ten thousand people, they would earn their undying gratitude.

There are scores of weekly newspapers in the State—most of them very good papers—which are entitled to direct mention but again, "the forms are full" and they may not be given that credit to which they are entitled.

CHAPTER LXVIII.

History of Medicine in Kentucky—Medical Journalism in Kentucky—Dr. Ephraim McDowell—Other Well-Known Physicians.

The Medical History of Kentucky is a chronicle of achievement. For generations the members of the medical profession of Kentucky have been in the foremost ranks of the learned and skilled practitioners of the country, and Kentucky has been one of the chief centers of medical teaching.

Hence the history of medicine in Kentucky centers around Transylvania University. Before Kentucky became a state the General Assembly of Virginia in May, 1770, set aside 8,000 acres of land as a fund for maintaining a public seminary, passing an act granting a charter to Transylvania University. In 1773 the Virginia Legislature passed another act chartering the school under the name of Transylvania Seminary, and increased the land grant to 12,000 acres. This latter act gave the school all the powers and privileges of a university, and for a number of years it was to a considerable extent managed by the Presbyterian Church. In 1789 it was located in Lexington, Kentucky, with Isaac Wilson at its head with only thirteen pupils.

Lexington wishing to establish the seminary within its limits, organized what was called the Transylvania Land Company and this company offered a lot of ground if the Trustees of the Seminary would build. At this time they had no regular place to hold classes and this offer was accepted, the first school building being erected shortly after.

The Trustees of Transylvania University met in Lexington, Kentucky, June 8, 1799, and organized the Medical Department of the University, calling it the Medical College of Transylvania. The following men composed the medical faculty: James Fishback, Elisha Warfield, Joseph Buchanan, Constantine S. Rafinesque, H. H. Eaton, Samuel Brown, Robert Peter, Benjamin W. Dudley, James Overton, William H. Richardson, Daniel Drake, Charles Caldwell, John Esten Cook, Charles Wilkins Short, Lunsford P. Yandell, Sr., James M. Bush, Ethelbert Dudley, Henry Martyn Skillman, Frederick Ridgely, John Eberlee. Not all of these men were elected at the opening of the school, but the list represents men who were connected with the medical department from first to last. Dr. Samuel Brown was the first medical instructor to qualify, beginning his work October 9, 1799. He taught chemistry, anatomy and surgery. He was one of the first men in this country to use cowpox, having vaccinated as many as 500 as early as 1802. Dr. Ridgely qualified in November, 1799, and taught midwifery, materia medica and physic. After the first session the faculty disbanded because of internal dissensions, Drake going to Cincinnati, and Overton to Nashville.

During the second year the faculty was reorganized. Dr. Dudley was in his former chair and Drs. Richardson and Blythe again two of his colleagues. Dr. Charles Caldwell took the chair of Institutes of Medicine, Dr. Samuel Brown Theory and Practice of Medicine. An effort was made to transfer the medical department to Louisville in 1837 but failed because of Dr. Dudley's opposition.

Dr. Benjamin Dudley took offense at some remark of Dr. Daniel Drake in a faculty meeting and challenged him to a duel. He did not accept but his next friend Dr. Wm. H. Richardson did and was shot by Dr. Dudley in the leg, which severed an artery. At once Dr. Dudley stopped the hemorrhage and they shook hands, and were forever afterwards the best of friends.

The first botanical garden ever undertaken in this country on a large scale was that started in Lexington, Kentucky, but not completed, by Constantine Samuel Rafinesque who was elected Professor of Botany in the Medical College in 1818.

The medical faculty was reorganized in 1815 and again when Daniel Drake took such an interest and aroused public sentiment for the college in 1819, from this latter reorganization, the pupils increased from 20, with a single graduate, to 200 students and 56 graduates. After the medical faculty was reorganized the following were appointed: Benjamin W. Dudley, Professor of Anatomy and Surgery; Coleman Rogers, Adjunct Anatomy and Surgery; James Overton, Theory and Practice; William H. Richardson, Obstetrics; Thomas Cooper, Chemistry. Some of these refused to serve and resigned without giving a reason, probably personal jealousy. In 1850 the medical faculty intermitted the winter session in Lexington, Kentucky, so as to establish the Kentucky School of Medicine in Louisville, Kentucky, as a winter school, retaining the school in Lexington as a summer school.

The Medical Department of the University of Louisville was organized in 1837. The Louisville Medical College was organized in 1850; The Hospital College of Medicine in 1874; Kentucky University Medical Department in 1898. Appreciating the necessity for consolidation of medical colleges in Louisville, a number of attempts were made to bring them together, resulting in the consolidation in 1906, of the University of Louisville and the Kentucky University under the name of the University of Louisville; and the Louisville Medical College and the Hospital College of Medicine under the name of the Louisville and Hospital College of Medicine. In 1907, these two colleges united with the Kentucky School of Medicine, under the name of the University of Louisville, Medical Department.

The profession of Kentucky has long believed in organized medicine, the organization of the Kentucky State Medical Society being affected in the Senate Chamber at Frankfort in October, 1851. Dr. W. L. Sutton was called to the chair and Dr. Joshua B. Flint introduced resolutions that a State Medical Society be formed with the leading physicians of the state as members. A constitution and the code of ethics of the American Medical Association were adopted. No sessions were held during the Civil War, the first session after the war convening in Louisville in April, 1867. An annual volume of transactions was issued to 1879 and then discontinued, a new series being begun in 1892 which continued until the reorganization of the Society into the State Medical Association, the basis of membership in it being membership in a County Medical Society. From this time the proceedings of the Association have been published in a monthly medical journal edited by the Secretary of the Association under the direction of the council.

The chief medical publication of this section was the "American Practitioner" published formerly under the name of "Western Journal of Medicine." The first number was issued in January, 1870, and edited by Drs. David W. Yandell, Professor of Clinical Surgery in the University of Louisville, and Theophilus Parvin, Professor of the Medical and Surgical Diseases of Women in the Medical College of Indiana, and published by John P. Morton & Co. of Louisville. In 1883 Dr. Parvin retired, removing to Philadelphia, and Dr. Yandell edited the journal alone.

On January 1, 1876, the first issue of a weekly publication appeared, the "Louisville Medical News" edited by Drs. Richard O. Cowling, and William H. Galt. In January, 1878, Dr. Galt retired and was succeeded by Dr. Lunsford P. Yandell, Jr. In 1886 these two journals consolidated under the name of "The American Practitioner and News," with Drs. David W. Yandell and H. A. Cottell as editors. The latter journal has been edited



Dr. Ephraim McDowell

since by Drs. H. A. Cottell, Fouche W. Samuel and Lee Kahn.

In 1892 the first number of "Mathews' Medical Quarterly" was issued, devoted to Diseases of the Rectum and Gastro-Intestinal Tract, edited by Drs. J. M. Mathews and Henry Enos Tuley. This was discontinued in 1898, Dr. Mathews associating himself with Dr. H. H. Grant and publishing the "Louisville Medical Monthly." Drs. Henry Enos Tuley and A. M. Cartledge acquired the "Louisville Medical Monthly," and later these two journals were consolidated under the name of "Louisville Monthly Journal of Medicine and Surgery," with Drs. Mathews, Cartledge, Grant and Tuley composing the editorial staff. Shortly after the death of Dr. Cartledge, Dr. Mathews withdrew his connection with the journal, Dr. Grant continuing as the business editor, and Dr. Tuley as editor.

Of all the noted medical men of Kentucky it is doubtful if any of them "builded so deeply" in the foundation of fame as Dr. Ephraim McDowell, of Danville. Dr. McDowell, by his originality, skill and courage, opened up a new department in the science of surgery. By his own hand he demonstrated the practicability of the new work his genius had suggested. Recognition is given him throughout the civilized world for suggesting and performing the first ovariotomy. While the rapid progress of scientific surgery has widened the scope of this operation, the credit belongs to Dr. McDowell for first completing the operation.

Dr. McDowell was born November 11, 1771, in Rockbridge county, Virginia. His ancestors came from the northern part of Ireland. His father removed to Danville, Kentucky, having been appointed in 1782 as a land commissioner for the new state. The doctor's early education was obtained at Georgetown and Bardstown, Kentucky. Completing his early education he began the study of medicine in the office of Dr. Humphreys in Staunton, Virginia, and in 1793-94 he attended lectures in Edinburgh, Scotland. It is said that one of his instructors, John Bell, a teacher of anatomy and surgery referred frequently to the possibility of recovery from such an operation as Dr. McDowell afterward carried out. In 1795 Dr. McDowell returned to Danville and at once began the practice of medicine. He did not receive a diploma from the University of Edinburgh, but in 1807 the medical society in Philadelphia conferred upon him a diploma and in 1823 the honorary degree of M. D. was conferred upon him by the University of Maryland. His fame as a surgeon soon spread throughout the western and southern states

and he was recognized as the leading surgeon outside of Philadelphia.

In the winter of 1809 Dr. McDowell was called to see a Mrs. Crawford, residing in Green county, Kentucky. She was found to have an ovarian tumor. He entered into the details of the condition and prognosis if it was allowed to run its course. He also explained fully the hazardous nature of the operation for the removal of the tumor. He assured her of his willingness to undertake the operation and his belief that it would be successful.



Office and Operating Room of Dr. McDowell

Mrs. Crawford was a woman of decision and courage and decided to submit to the operation and came to Danville on horseback. Dr. McDowell was assisted by his nephew, Dr. James McDowell in performing the operation, which was followed by prompt recovery. Mrs. Crawford returned to her home at the end of twenty-five days and lived thirty-two years after the operation, dying in her seventy-ninth year. Seven years afterward Dr. McDowell had operated on two additional cases, the three being the subject of a report which was published in a Philadelphia medical journal. He operated thirteen times, of these eight patients recovered. Considering the locality in which these operations were done without general or local anesthetic, without hospital facilities one cannot but admire the courage and skill of the surgeon.

Dr. McDowell was nearly six feet tall, cheerful, full of good humor, kind hearted, affable, dignified and unassuming. He was charitable and public-spirited. He was active in the foundation of Centre College at Danville and one of its original incorporators. He was an Episcopalian, and the site of Trinity church, in Danville, was contributed by him.

He was married in 1802 to a daughter of Gov. Isaac Shelby. There were two sons and four daughters, only three of whom survived him. He died on the 20th of June, 1830, after a brief illness. He was buried in the Shelby family burying ground, six miles south of Danville. In 1873 Dr. John Davies Jackson, of Danville, inaugurated an effort to suitably mark his resting place. The matter was brought to the attention of the State Medical Society and Dr. Jackson was made chairman of a committee to endeavor to accomplish the worthy purpose. In 1875 Dr. Jackson died and the accomplishment of the plan of Dr. Jackson was due to Dr. Lewis S. McMurtry who organized the campaign which ended in the erection of the monument seventy years after Dr. McDowell had performed the operation of ovariotomy. By the subscriptions of the members of the State Medical Society and many surgeons a sum was raised with which a neat granite shaft was erected to the memory of McDowell. His remains and those of his wife were removed from the old family ground and re-interred in Danville, upon a square donated by the citizens of Danville which is called "McDowell Park." The State Medical Society met at Danville April 13 and 14, 1879, and was attended by the Governor of the State, Dr. Stevens of Ohio, Dr. Kimball from the "Granite State," Dr. Sayre, and Dr. S. D. Gross, then acknowledged the most eminent surgeon in America, who delivered thé memorial oration. During the ses-

sion Dr. Cowling presented Dr. Gross with Dr. McDowell's door knocker. On the front face of the monument is a medallion of McDowell and beneath it a tablet with the inscription:

"A Grateful Profession Reveres His Memory and Treasures His Example."

On the remaining tablets, on the different sides, are further inscriptions as follows:

"Beneath this Shaft Rest the Remains of Ephraim McDowell, M. D., the Father of Ovariotomy. By Originating a Great Surgical Operation He Became a Benefactor of His Race, Known and Honored Throughout the Civilized World."

"Born in Rockbridge County, Virginia, 1771; Attended the University of Edinburgh, 1793; Located at Danville, Ky., 1795; Performed the First Ovariotomy, 1809; Died, 1830."

"Erected by the Kentucky State Medical Society, 1879."

Few are aware that a doctor was one of the first explorers who entered Kentucky. Dr. Thomas Walker who was born in Virginia in 1715, was one of the first who emigrated to Kentucky. He was of a restless, roving disposition and employed most of his time in surveying and outdoor sport. He was married in 1741, at the age of 26, and his wife bore him sixteen children. He built the first house within the present bounds of Kentucky near the town of Barboursville.

Coleman Rogers was a private pupil of Brown and Caldwell, partner of Dr. McDowell and colleague of Drs. Dudley, Richardson and Drake. He was born in Culpeper county, Virginia, on March 6, 1781. He was the seventh of twelve children and when six years old moved to Fayette county, Kentucky. At the age of 21 he entered on the study of medicine at Lexington under Dr. Samuel Brown, the first professor of medicine in Transylvania. Dr. Brown was just back from Edinburgh. From his office young Rogers went to Philadelphia in 1803 to attend lectures in the University of Pennsylvania, but had to leave before he completed his course because of lack of funds. He returned to Kentucky and located in Danville asociated with Dr. McDowell who had already acquired some reputation as a surgeon. Soon after he opened his office in the adjoining county (Lincoln) which Rogers attended on appointed days of the week. He married Miss Jane Farrar on November 3, 1805. In 1810 he moved to Lexington, Kentucky, and in 1816 returned to Philadelphia for the third course of lectures and had the degree of M. D. conferred upon him. When Transylvania faculty was formed he was made Adjunct Professor of Anatomy. Other members of the faculty were Drs. Drake, Dudley, Richardson, Blythe, and Overton. Dr. Rogers retired from the faculty as relations were not entirely cordial and he was especially dissatisfied that Dr. Dudley had Anatomy and Surgery. In 1817 Dr. Rogers moved to Cincinnati. Later with Daniel Drake he formed the Ohio Medical College and was vice-president and Professor of Surgery. Later, he dissolved the partnership and left the college. In 1823, Dr. Rogers removed to Louisville and was a surgeon in the Marine Hospital. In 1832 with Professor Powell he formed the Louisville Medical Institute and took the chair of anatomy but no session was held. He died in Louisville on February 16, 1855 in his 75th year.

Benjamin W. Dudley was born in Spottsylvania county, Virginia, April 12, 1785. His father, Ambrose Dudley, was a leading Baptist preacher. His family moved to Fayette county in 1786. He did not have a college education, but his training was not neglected. He began the study of medicine with Dr. Frederick Ridgely and in 1804 he went to Philadelphia to study medicine at the University of Pennsylvania. Here he met John Esten Cooke, Daniel Drake, and William H.

Richardson, with whom he was closely associated later. He took his M. D. degree in March, 1806, having practiced with Dr. Fishback in Lexington, during the summer vacation previously. Practicing for four years after his graduation, in 1810 he went to Europe remaining four years in London and Paris. He returned to Lexington and devoted himself assiduously to his practice.

In 1817 the Board of Directors of Transylvania University, then the leading college of the West, determined to open a medical department. Dr. Dudley was made Professor of Anatomy and Surgery. After one session difficulties arose and the faculty was disrupted, Dr. Richardson removed to Cincinnati and later in a personal encounter between Dr. Richardson and Dr. Dudley, Dr. Richardson received a bullet wound in the thigh. As a surgeon Dr. Dudley was cool, quick, calm, decisive, with a sound judgment and steady hand; as a lecturer his manner was impressive and imposing. His operations for stone in the bladder gave him the most renown. He operated 225 times with a mortality of 2 per cent, which, when one considers the time and without an anesthetic, seems rather remarkable. He always performed lateral lithotomy and rarely median. Dr. Dudley entertained many views on surgical subjects which hold good nowadays. In 1821 he was married to Miss Anna Short. He delivered his last lecture in February, 1850, having retired to a beautiful country place near Lexington in 1848. He died January 20, 1870, in the 85th year of his age.

Robert Peter was born in Cornwall, England, January 21, 1805. When sixteen years of age he arrived in Pittsburg and was employed as drug clerk. In 1832 he went to Lexington. In 1834 he received the degree of M. D. at Transylvania and soon after took the chair of Chemistry and Pharmacy. He was editor of "The Review of Medical Science" and a teacher for fifty years. Dr. Peter stands out as an honorable and conspicuous figure. He devoted his time to chemistry, botany and geology. Prof. Asa Gray of Harvard named a species in his classic work "in honor of Prof. Robert Peter of Lexington, Ky." He conducted the chemical department of Kentucky Geological Seminary from 1854 to 1861. In 1865 he was professor of chemistry in the Kentucky University and later in State College. He left to fill the chair of chemistry at Morrison College.

Louis Rogers was born in Lexington, Kentucky, on October 22, 1812. He came to Louisville when 11 years old. When a boy he witnessed surgical operations and post mortems. In October, 1829, he attended Transylvania and in 1831 received a degree of B. A. at Georgetown, paying particular attention to the study of French. In 1831 he began the study of medicine and the next summer studied cholera in the epidemic in Louisville. In 1835 he received the degree of M. D. from the University of Pennsylvania. He was his father's partner. On January 29, 1839, he married Miss Mary Eliza Thruston. He had the chair of Materia Medica and Therapeutics in the Medical Institute in 1849. He succeeded Austin Flint in the University of Louisville in the chair of Theory and Practice and later to Materia Medica and Therapeutics. He was not physically equal to the strain of teaching and resigned in 1869. He developed a difficulty with his eyes and an operation for cataract was done by Prof. Agnew in New York. He was a great student, had an uncommon memory, never kept a visiting list, was prompt and punctual. His was one of the largest practices in the city. He was a great obstetrician, and ranked with Miller. For 25 years he was a leading consulting physician, and often referred to the fact that he had had no professional or personal quarrels. He made three trips to Europe. On March 13, 1875, he took to his home and was never out again. He died on June 17, 1875, in his 63d year.

George Wood Bayless, was born in Mason

county in 1816. Not satisfied with mercantile life he resumed his education and finished at Augusta College. He attended the Medical Institute of Louisville in 1837, and graduated from the University of Pennsylvania in 1839. He had an absorbing love for flowers. Upon graduating he began practice in Louisville. He had attracted the attention of Dr. Drake who had succeeded Cooke in the chair of practice, and through his efforts Dr. Bayless was elected to the demonstratorship in the college and later elevated to the chair of Surgery. His first essay as lecturer was in a course upon visceral anatomy, given at the suggestion of Professor Gross during the preliminary term of his second winter in the school. He was curator of the museum and prosector to the chair of Anatomy, and worked at Pathology and Histology. He was familiar with the microscope long before it was commonly used in this section. With Dr. Drake he went to Cincinnati and occupied the chair of Anatomy for two years in the Medical College of Ohio. His health failing, he purchased a farm in Western Missouri and retired from teaching to it. In 1857, his health restored he returned to Louisville to educate his children and resumed practice. He was called to the chair of Physiology and Pathology in the Kentucky School of Medicine and retained it until the disruption of the school at the opening of the war. In 1863 he was elected to the chair of Physiology in the University of Louisville, which he occupied for two years. With his youngest child he was returning from a search for wild flowers when he was stricken with apoplexy and died a few hours later. Surgery was the field most in accord with his tastes and the training of his professional life was along these lines. In his didactic lectures he shone—he did less well in his clinics. His standard in examination was considered very high.

John James Speed was born October 31, 1816, at the Speed homestead in Bardstown. He graduated at St. Joseph College, and in medicine at Transylvania University in 1838. He first practiced his profession at Crawfordsville, Indiana, until 1846, when he returned to Bardstown, practicing there until 1850, when he moved to Louisville. He was connected with the Hospital College of Medicine for a number of years and also served as Secretary of the State Board of Health. He was always a rather delicate man physically, but possessed a keen intellect, an unusually quick perception, and soon had a reputation of a skilled and learned physician. He was an excellent writer and contributed many articles to the medical press. His composition was clear, direct and forcible; he thought clearly and expressed himself in apt and striking language. He did not believe in giving much medicine. He was appointed postmaster under Mr. Lincoln in 1861, retaining as his assistant Mr. E. S. Tuley, the father of Dr. Henry Enos Tuley. He held this office for eight or nine years. In 1855 he had smallpox, from which he recovered but slightly marked. Dr. Speed was by nature social, loving to have his friends and kinsmen about him and was refined in his tastes.

David Wendell Yandell was born on September 4, 1826, at Craggy Bluff, near Murfreesboro, Tennessee. He came of a family that for two generations had been distinguished in medicine. His grandfather was Wilson Yandell, the most noted physician in his locality, and his father was Lunsford Pitts Yandell, a professor of Transylvania University and one of the founders of the University of Louisville, Medical Department. A personal reminiscence of his early childhood was, that he had the common pneumatic diathesis of the vigorous male infant and made night hideous by his screams until he was eighteen months old. His family moved to Lexington for a few years when Dr. Yandell was five years of age, then to Louisville where he became a pupil of Noble Butler, the famous educator. He at-

tended college at Center College, Danville, but returned without a diploma, matriculating in the University of Louisville, Medical Department, and received his degree in 1846. Soon after graduation he went to Europe for two years spending his time chiefly in London, Dublin and Paris. His letters from abroad published in the "Louisville Journal" and the "Western Medical Journal" show a remarkable knowledge of men, their arts and institutions, and a command of language and a finished style seldom seen in a man of twenty. Returning from Europe Dr. Yandell began the practice of his profession in Louisville and became connected with the University of Louisville as the demonstrator of anatomy. In 1851 his health failed and he had to retire temporarily from practice to a farm near Nashville where he acquired a wonderful knowledge of nature, he was a great hunter of all game in states from Maine to Georgia and in the wilds of the west. Recovering his health he returned to Louisville, taught private classes in medicine and established the Stokes Dispensary, thus becoming the founder of clinical teaching in the West. He was soon made Professor of Clinical Medicine in the University, serving but a short time, however, as he enlisted in the Confederate army at the opening of the Civil war. He served under Buckner and Hardee, and later was made medical director of the Department of the West. In 1867 he was elected to the chair of Medicine in the University of Louisville and in 1869 was made Professor of Clinical Surgery, a chair which he held up to the time of his death. As a teacher of Clinical Surgery Dr. Yandell had few equals. He was a splendid operator, his surgical dressings were accurate and beautiful, he was a diagnostician, and an excellent physician. In 1870 in conjunction with Dr. Theophilus Parvin, he established the "American Practitioner" which at once took a commanding position in the medical literature of the day. It was merged with the "Medical News" in 1886. In 1871 Dr. Yandell was elected president of the American Medical Association and presided at the meeting the next year. In 1870, after the death of his father, Dr. Yandell again visited Europe, where he wrote another series of sprightly letters which were published in his own journal of that year. In 1886 he was made a Fellow of the Philadelphia College of Medicine, in 1884 a Corresponding member of the Edinburgh Medico-Chirurgical Society and an Honorary Fellow of the Medical Society of London. In 1887 he was appointed Surgeon General of the troops of Kentucky and in 1889 he was elected President of the American Surgical Association. His health began to fail about 1892, he seldom went out after night and was less attentive to his practice, had less confidence in his operating and wrote but little. Dr. Yandell was a severe critic, a good fighter and a fair hater. He loved with a great heart and with a constancy which knew no change. He was devoted to his great master Gross and the epitaph written by Dr. Yandell when the master died is a wonderful production even to-day. After months of invalidism during which Dr. Yandell was confined to his room he died May 2, 1898.

Henry Chenoweth, at the time of his death the oldest medical practitioner in Jefferson county, died April 15, 1905, having shortly before celebrated his 80th birthday. He died where he had lived for 44 years continuously. He was a physician of the old school, a typical country doctor of the Ian Maclaren type and was greatly beloved.

John Davies Jackson was born in Danville, Kentucky, on December 12, 1834, and died at that place December 8, 1875. His early education was received at Centre College from which he received the degree of A. B. in 1854. He was by nature a student of quick perception, close application, and retentive memory. After graduating from Centre College he entered the office of his uncle, Dr. Thomas W.

Jackson, of Danville, as a pupil. In the fall of 1854 he matriculated in the medical department of the University of Louisville. Graduating from here he attended a course at the medical department of the University of Pennsylvania, where he graduated in 1857. He then returned to his native place and opened an office. Because of his modest demeanor, retiring disposition and his determination to avoid courting popular favor as a means of securing business, his bearing was frequently misinterpreted, and practice came slowly, but as soon as his ability was discovered his services were sought.

At the outbreak of the war he cast his lot with the South and entered the army as a surgeon being with the army of the Tennessee, and later with the army of Northern Virginia. He retired at the close of the war with the rank of surgeon having served with honor and distinction. He declined an offer of high promotion, preferring to remain in the field with his command. He returned to Danville much depressed in spirits after the surrender and considered seeking a home elsewhere, but was urged by old patrons and friends to resume practice, which he finally elected to do. He studied French during this time. In 1869 he went to New York for a post graduate course, giving particular attention to the study of the diseases of the eye and ear. In May, 1872 he sailed for Europe and visited England as a delegate from the American Medical Association to the British Medical Association. Soon after his return he translated Farabeuf's Manual on Ligation of Arteries, and later prepared a biographical sketch of Dr. Ephraim McDowell, the Father of Ovariotomy. He devoted himself with energy and determination to the perpetuation of the memory of this great surgeon, and forcibly presented to the profession the claims of the originator of this grand operation for recognition and respect. Beginning with his County Medical Society, he pressed these claims and the existence of the McDowell Memorial Fund is almost entirely due to his labors in this direction. In 1873, while engaged in an autopsy, he accidentally scratched a finger. From this time on he was not well, although he was able to attend the meeting of the American Medical Association in St. Louis in 1873 and in Detroit in 1874. From Detroit he went to New York to seek advice about his physical condidition and gave up work for some months. After a winter in Florida, in April, 1875, while on his way home, from a sudden change in the weather at Nashville he took a violent cold which was followed by congestion of the lungs. He never fully recovered and died December 8, 1875.

Summing up the character, ability and attainments of Dr. Jackson, he possessed superior talents, extensive learning and practical knowledge, decided ambition, untiring industry, a definite aim in life, a constant devotion to his profession, fidelity to friends and true philanthropy. As a surgeon he was deliberate, prompt and dextrous. As a writer he was clear, concise and elegant. As a practitioner he was obliging, generous and ethical and he was a model preceptor.

Dr. William Bailey was born in Bridgeport, Franklin county, Kentucky, November 4, 1833, his father being one of the pioneer settlers of the state and a prosperous farmer of that section. At sixteen he matriculated at the Kentucky Military Institute, then located near Frankfort, and was graduated with a degree of B. A. in 1853. One year later an honorary degree of M. A. was conferred upon him by the same college. For three years after his graduation he was Professor of Mathematics in the K. M. I. In 1856 he began the study of medicine in the University of Louisville, receiving his degree from the Kentucky School of Medicine in 1857. He practiced medicine at Shelbyville, Kentucky, until the opening of the Civil war, when he enlisted in the Union army, in the Ninth Kentucky Cavalry, as a

surgeon with the rank of major. At the conclusion of the war he began the practice of medicine in Louisville, the University of Louisville about this time conferring the degree of M. D. upon him.

He was actively connected with medical college work since 1869, having occupied chairs in the Kentucky School of Medicine, Hospital College of Medicine, being President of the faculty of this institution and in the University of Louisville Medical Department. His last chair was Professor of Materia Medica and Therapeutics.

For many years he was interested in the question of sanitation and was an enthusiastic member of the American Public Health Association having attended meetings of this body in Cuba and Mexico. He was President of this organization in 1894. He has been a member of the State Board of Health of Kentucky for twenty-six years and upon the resignation from the Board of Dr. J. M. Mathews, he was elected President of the Board, which position he held at the time of his death. He was president of the State Medical Association and the local medical societies of which he was a member. He was a member of the local Board of Pension Examiners for years. Though honored by his professional confreres in every way possible, Dr. Bailey was a man of the most modest disposition; he was clean in his profession and he was pure in his private life; devoted to his family, he was loved by all who knew him.

In politics Dr. Bailey was a Republican. He was a member and Past Master of Falls City Lodge, F. and A. M., and served for a number of years on the official board of the First Christian Church, of which he was a most consistent member. Dr. Bailey's funeral was held from the First Christian Church on July 17, 1911.

Dr. Lunsford Pitts Yandell was born in Rutherford county, Tennessee on June 6, 1837. During his early youth he was a pupil of Professor Noble Butler. Early in life he developed a love for natural history. He began the study of medicine in the University of Louisville under his father, Austin Flint and S. D. Gross and graduated in medicine in 1857 when barely 20 years old. Shortly after his graduation he moved to Memphis and in 1859 was elected professor of Materia Medica and Therapeutics in the Memphis Medical College. At the outbreak of the Civil war he enlisted as a private in the Confederate army, but was ordered by General Polk to report to the Medical Director. He passed his examination and was commissioned as a surgeon serving as such during the war. At the close of the war he returned to Louisville and was married in 1866 to Miss Louise Elliston of Memphis. He went to Europe on his wedding trip where he remained a year and his letters from the larger medical centers may still be read with great interest. In 1867 he was elected professor of materia medica, therapeutics and clinical medicine in the University of Louisville. In 1877 he became the co-editor of the "Louisville Medical News," remaining such until his death. In his knowledge of geology he followed his father's distinguished footsteps. He died suddenly on March 12, 1884.

John Lay Cook was born July 3, 1838, in Russell county, Kentucky, and raised near Jamestown. He was educated in the county schools and began teaching at the age of fifteen years in a mixed public school. He commenced study of medicine with Dr. Rowe, of Rowena, Kentucky, and began practice when nineteen years of age. In 1861 he enlisted in the Third Kentucky (Confederate) Cavalry. He was captured with Gen. John H. Morgan and while in prison at Camp Douglas, Illinois, he ministered to comrades. After the war he located at Bardstown Junction, Kentucky, and later attended the University of Louisville, Medical Department. He commenced the practice of medicine as a graduate in Shep-

herdsville. In 1870 he graduated in Bellevue, and later located at Henderson. In 1871 he married Miss Annie B. Oldham. Dr. Cook was six feet, two inches in height and had an average weight of two hundred and fifteen pounds. He was a very handsome and fine looking man. He was a member of the Kentucky State Medical Society, of the McDowell Medical Society, and of the Henderson Medical Club. As a diagnostician he was very accurate. In light of present knowledge of yellow fever, to which he fell a victim, he was correct in his theory that it was not contagious and non-infectious. He was a frequent contributor to medical journals. Some of his writings are "Case of Athetosis," "Capillary Bronchitis," "Germs of Diphtheria," "Curable and Incurable Diseases," "Pulmonary Tuberculosis" and "Malarial Coma." When yellow fever developed at Hickman, September 19, 1878, he left for that place at once and from then until his death, October 1st, he labored among the afflicted.

Edward Rush Palmer, son of Benjamin R. Palmer, M. D., was born in Woodstock, Vermont on November 18, 1842, and died July 5, 1895. His father came from Vermont to take the chair of anatomy in the University of Louisville in 1848. The son graduated from the public schools and in medicine from the University of Louisville. He was assistant surgeon in the army in 1864. In 1868 he had the chair of Physiology in the University of Louisville and in 1893 genito-urinary diseases was added.

Lunsford P. Yandell, Sr., was born July 4, 1806, and died February 4, 1878. He was born in Tennessee. He graduated in medicine at Baltimore, in 1825, and practiced six years in Tennessee. He then removed to Lexington and became connected with Transylvania, remaining until 1837 when he removed to Louisville having been elected as a professor in the University of Louisville. In 1859 he removed to Memphis to teach in a school there, his chairs in these schools being chemistry, materia medica, and physiology. In 1862 he entered the Presbyterian ministry. He returned to Louisville in 1867 to practice medicine.

Dr. Josiah A. Ireland was born in 1824, and died of arterio sclerosis in Louisville where he had practiced for 50 years, September 19, 1901. He was formerly a minister of the Baptist church, resigning to study medicine. He was one of the founders of the Louisville Medical College, and was president of the Mississippi Valley Medical Association in 1879, presiding at the meeting at Evansville, Indiana, that year.

Dr. George M. Warner was born in Louisville in 1858 and died of angina pectoris March 16, 1902. He graduated from the Male High School in the early seventies and began his business career as a reporter for the *Courier-Journal*. After two years of this he began the study of medicine, at the Louisville Medical College graduating in 1880. He became connected with the faculty of the school shortly after and was its secretary to the time of his death. He was a member of the editorial staff of the "Louisville Medical Monthly" and was president of the Louisville Medical College Alumni Association and visiting physician to the City Hospital. He was a man of attractive personality, generous to a fault, open hearted and kind.

John Arvid Ouchterlony, A. M., M. D., LL. D. was born in the province of Smaland, Sweden, June 24, 1838. After having received thorough scholastic training in his native land, he came to America and began the study of medical science in the University of the City of New York. He served as a surgeon in the Federal army during the war, being on duty in different hospitals in or near Louisville in 1863, and at the close of the struggle he made his home in Louisville. In 1864 he was a lecturer on clinical medicine in the University of Louisville, in which position he became conspicuous. In his practice he was regarded

as a man of exceptional ability and of rare skill. During his professional life he constantly held high positions in one or the other of the medical colleges of the city. He was a prolific writer on medical subjects, his productions being notable for their fine finish and the care with which they were prepared. He was chosen by his associates to the presidency of most of the leading local medical societies. After a life full of good to his fellow men, Dr. Ouchterlony went to his reward several years ago.

It will be observed that in this chapter only those physicians who have died are referred to, the distinguished living members of the medical profession being left to bide their time. Sooner than they wish, perhaps, those who are not named here, may qualify for admission to succeeding editions of this work. Time and patience alike work wonders.

CHAPTER LXIX.

"Bones of Our Ancestors"—Society of The Cincinnati—Virginia Ancestors—Forefathers of Central Kentucky Settlers—Derivation of Surnames—Origin of the Name Quisenberry.

So many Kentuckians trace their ancestry to Virginian families that the author has concluded that the following chapter on "The Bones of our Ancestors" written by Mr. A. C. Quisenberry of the War Department, and first published in the Lexington, Kentucky, *Herald,* will be of interest to many readers of this work:

"For at least a century, or from the date of the Declaration of Independence in 1776 to its centennial in 1876, the matter of preserving or searching out family history was almost entirely neglected by the people of the United States. The antagonism felt towards the mother country during that time was so fierce that nearly all Americans made haste to forget all the connections that their families had ever had with England, and so radical was the new Democracy, established as a result of the war of the Revolution, that whoever took any pride, or even any interest, in his forefathers, or in his family descent, was looked upon with contempt as a vain fool or a proud-stomached, would-be aristocrat who was out of place in a free Republic founded upon the corner-stone fact that 'all men are created free and equal.' It was in this way that the preservation of family history fell into disuse in this country.

"The Society of the 'Sons of the Cincinnati,' founded while the guns of Yorktown had hardly ceased to reverberate, was composed of officers of the American army, and eligibility for future membership was confined strictly to eldest sons by a system of primogeniture similar to that by which estates descend in England. The fierce Democracy of the day condemned the Society of the Cincinnati as an aristocratic institution that contravened the principles upon which the Republic had been founded. The opposition to it was so pronounced that the Society was practically disbanded and lay dormant for many years. It has been fully re-established only since the organization of the 'Society of the Sons of the American Revolution.' On October 22, 1875, this, the first of the modern Revolutionary War societies in the United States, was founded in far-off San Francisco, three thousand miles away from the scenes of the struggles for American Independence and it was composed entirely of lineal descendants of soldiers or statesmen of the American Revolution. The next year (1876), the centennial of American Independence was celebrated in Philadelphia.

"The celebration of our first national centennial marked a great revival of interest in American history, and thousands of people, in all parts of the country, began to ask themselves: 'What part did my own ancestors take in the war that established this great country?' Fortunately, notwithstanding the loss of so many old records, it is still possible for nearly every one to find this out. The establishment of the patriotic societies—Sons and Daughters—gave an added impetus to the work of research and in that way a general interest in genealogy was revived in every section of the land until now the family that is not intensely

interested in its history as far back as it is possible to trace it, is an exception. The tracing of one's family back to the Revolutionary war is like the first taste of blood to the tiger —it awakens a fierce and unquenchable thirst for more and more and more.

"It is true that some people are still actuated by a desire to trace descent from some noble family, even if they have to 'fake' the pedigree and there are some who seem to take great pride even in tracing back to William the Conqueror, or some other illustrious bastard, but the obvious trend of the great mass of American genealogy today is towards tracing the real descent of the family and proving that the general average of the preceding generations have been self-respecting, honest and honorable men and women of clean lives and upright character in whatever walks of life their lot may have fallen, high or humble.

"One who has no previous history of his family is almost certain, when he sets out to trace its descent, to be met at the threshold of his inquiries among the older members of his family by three traditions, which appear to be practically universal in American families, to-wit:

"(1) That in his family 'three brothers' emigrated together from England. There will hardly be a divergence from this belief in any family which has only a traditional account of its origin in America; yet it is now an almost proven fact that among the thousands of early emigrants of our colonial period there were not more than a dozen cases altogether of 'three brothers' coming together.

"(2) That his family in England was nobly connected, or in some unexplained way was descended from a royal family. Such descents are not unusual but they are very far from being anything like universal.

"(3) That somewhere in Great Britain, and in the keeping of the British government, there is an immense fortune pertaining to his family, and waiting distribution among its American heirs. This idea is nearly always a stumbling block to one who is tracing a family, for many of the people of whom he makes inquiries imagine that the only conceivable object the searcher could have for hunting up his family history is to get this fortune; and so they shut up like clams, lest any clue they might give would enable the searcher to get ahead of them in the division of the spoils.

"Those who take stock in these transatlantic heirships and in the 'Family Associations' organized for the purpose of securing the rights of American heirs, seem quite blind to the legal difficulties which hedge about dormant estates in England, and are also quite ignorant of the fact that any claims to such estates and their accumulations, now held by the crown, were —if the case is of any antiquity—long ago outlawed by the limitations of time. Many of the stories about dormant estates in Great Britain, now awaiting American heirs, are the purest fiction and never had any foundation in fact.

"It is safe to say that every one of the first thirty thousand families, of different names, that settled in Kentucky had among them one or more men who had served in the Revolutionary War in some capacity, either as soldiers or sailors, or as civil officers, and all of them, practically, were families that had been in America an average of at least one hundred years when the Revolutionary War began. Of these thirty thousand families probably three-fourths were of families that had long been established in Virginia, the other fourth being mostly from North Carolina, Maryland and Pennsylvania in the order named, though there were some, also, from each of the original colonies. Therefore, most of the Kentuckians of today who begin to trace back their ancestry will have to begin with the records of the county in Virginia from which their first Kentucky ancestor came. Of course all of the Virginia counties were more or less represented; but, after a study of the subject

for many years, my opinion is that the bulk of the original settlers of Central Kentucky came from the Virginia counties of Orange, Spottsylvania, King George, Caroline, Hanover, Culpeper, Albemarle, Augusta, etc.

"Barring the Scotch-Irish settlers in Augusta, most of these Virginia counties had been themselves settled from the older Virginia counties of Westmoreland, Northumberland, Middlesex, Richmond, Lancaster, King William, King and Queen, Gloucester, York, Essex, Elizabeth City, Charles City, New Kent and James City. In some of these counties the records have been destroyed by 'the mordant tooth of time'; in others they were criminally destroyed or stolen or carried away by soldiers during the Civil War. In still others the records are intact from the date of the organization of the county. The records of Westmoreland county are intact from the year 1653, when the county was organized. This is the county that gave to Virginia and to America the Washingtons, the Lees, the Madisons, the Monroes and the Marshalls. Virginia owes it to herself to publish the records of Westmoreland county in the same style in which the records of Spottsylvania county have been printed.

"Being backed by the high authority of official sanction, the county records furnish the best possible genealogical data. In his will the father names his children, generally in the order of their ages: and frequently there is data by which the maiden name of his wife may be learned. In fact, there is hardly any limit to the genealogical information that may be gleaned from wills. The testator, especially in the earlier wills, frequently mentions the name of his father and mother in England, or other kinspeople there, and where their homes in England were. Such data as this is of great importance when one has traced all there is to trace in Virginia and has transferred his search to England.

"It often happens, however, that some of your ancestors in Virginia left no wills; and in such an event the next best records for genealogical purposes are the land deeds. These will frequently disclose the names of your ancestor's wife and children; and often give a clue as to where he last came from; as, for instance, when he buys land the deed will be likely to describe him as 'John Smith, late of the city of Bristol, in England;' or 'John Smith, late of Philadelphia, in the colony of Pennsylvania;' or 'John Smith, late of the parish of St. Marks, in Culpeper county, Virginia,' etc.

"Every variety of county records—county court orders, depositions, civil suits, fiduciary accounts, poll-books of elections, etc., are likely to give data that will be of value to one who is searching out the history of his family. Next in value to the county records are the state records (land grants, military rolls, etc.); and the old church registers of baptisms, marriages and deaths. Comparatively few of the old church registers of Virginia are still in existence. Of those that do exist, a few have been printed.

"Assuming that the genealogical searcher has succeeded in tracing his ancestry back to its beginning in Virginia—which in some cases will be all of three hundred years ago—if he has patience and perseverance, and money to spare, he will now wish to trace it in England, from which country a vast majority of the old Central Kentucky families originally came—if not in all lines, at least in one or more lines. My personal investigations have shown that five hundred years ago, in one little section of County Kent, in England, there were families of the unusual names of Hickman, Brockman, Couchman, Haggard, Trussell, Eubank, Stubblefield, Questenbury, and Quisenberry. Unusual as these names are, however, for many years they were all numerously represented in Clark county, Kentucky; and this fact serves to show how strong a strain of ancient Kentish blood now flows in

the veins of the people of Central Kentucky. Of course, however, there are a great many Kentuckians who trace back to every shire in England.

"One snag the genealogical searcher will meet at every turn will be the changes that have taken place in the spelling of his name. Mr. Saffarans, for instance, will after a little investigation find that his name was originally spelled Severance and pronounced "Saverance." In like manner, Mr. Blockson will trace back to Bloxham; Mr. Marcum to Markham; Mr. Exum to Exham; Mr. Semple to St. Paul; Mr. Crothers to Caruthers; Mr. Sinkler to Sinclair and St. Clair; Mr. Polk to Paul, through the diminutive of Paul, which is Paulock, or Pollock, which has been euphonized into Polk, and so on, ad infinitum.

"Surnames (that is, 'over' names, or names over and above what you had before) were practically unknown in England before the year 1200, when the noblemen began to assume them; and it was a hundred years later before the citizens generally began to assume them. The people at large assumed surnames according to individual fancy, regardless of the relationship existing between them; thus, of 'three brothers,' one might be called Green, another Dixon (Dick's son), and the third Timberleg; for a man did not always choose his own surname, but his neighbors frequently gave him his nickname as a surname. The surnames were derived from a variety of general sources; from occupations, as Smith, Taylor, Cook; from colors, as Redd, White, Blue; from places or localities, as London, At-Wood, de Quincey; from personal peculiarities, as Timberleg (now Timberlake) for a man with a wooden leg; or Cockeye (now Cockey) for a man with a cock-eye; or either Fairfax or Whitehead for a flaxen-haired man; or from personal feats as Pierce-Eye (Percy) for a man who in battle had pierced his opponent's eye with a spear; or Shakespear, which explains itself, and so on through the whole category.

"A very distinguished name in Kentucky is said to have originated from the fact that several members of the clan McIlvaine settled upon a mountain ridge in the highlands of Scotland. Upon this ridge the furze which the Scotch spell 'breckan' and pronounce 'bracken,' grew very profusely; and the name of that mountain was Breckan Ridge (pronounced "Bracken Ridge"), and the McIlvaines who made their homes there soon assumed, or had bestowed upon them, the patronymic of Breckanridge—and that is the original Scottish spelling of the name. The genealogist who becomes absorbed in his subject is sure to find the study of the origin of surnames the most intensely interesting and fascinating part of his work—if it can properly be called work.

"Genealogical researches in England will, of course, have to be pursued, as a general thing, through the professional genealogists of that country, whose prices are usually higher than the back of an exasperated cat. There is this consolation, however, about the matter—once your record agent gets a clue to your family, he is almost certain to be able to trace it back for several centuries. It is believed that any old family whose genealogy can be traced back two or three generations can almost certainly be traced back to the Reformation. English genealogy, as a rule, may be said to begin with the rise of heraldry and the general adoption of surnames. Only a very few families can trace themselves reliably to that much-sought-for starting point, the Norman Conquest. Indeed, for the great majority of English families the fifteenth and sixteenth centuries are the extreme limit of antiquity to which they can hope to attain.

"Even an undistinguished family of good people when traced back for several centuries will be sure to disclose a very interesting history. The writer of this chapter became interested in the genealogy of his family nearly forty years ago, mainly through an intense curiosity to learn the origin and signification

of his very peculiar name—Quisenberry. It took many years and 'a right smart chance' of money (in homeopathic doses, through the years) to do it. He has traced his ancestry in a straight line, through sixteen preceding generations, to Tielman Questenberg, who was born in Brunswick, Germany, certainly not later than the year 1380. The name Questenberg means 'a crested mountain.' Tielman Questenberg settled in the city of Cologne in 1418, and soon afterwards went to London as a merchant of the great Hanseatic League, of which he was a prominent and influential member. In 1467 his grandson, Heinrich Questenberg, who was also a Hanse merchant in London, married Catherine Cutts, of Canterbury, County Kent, England; and as the marrying of an English woman was a violation of the Hanse laws, he was expelled from the Hanseatic League, and then settled permanently in England, where his name was Anglicized into Questenbury. The 't' being silent, this name was pronounced as if spelled Quesenbury. Heinrich Questenberg's great-great-great-great-grandson, Thomas Questenbury, was born in Bromley, Kent, March 16, 1608; and in 1622, when he was fourteen years old, he ran away from his step-father, John Griffin, of Westminster, Gentleman, and came to Virginia, where he married in 1626, when only eighteen years old. From him have descended all the people of the name in America, who are numerous, and who now spell the name in many ways. The original spelling of the name in Virginia, about two hundred and ninety years ago, was Quesenbury. It is now spelled in nearly any way you like, by different branches of the family, in different parts of the country. Thomas Questenbury's great-great-great-grandson, Rev. James Quisenberry (my great-grandfather) went from Orange county, Virginia, to Kentucky in 1783—one hundred and twenty-eight years ago. He lived in the fort at Boonesborough for two years, and two of his children were born in the fort. In 1785 he settled in what is now Clark county, Kentucky, where he died in 1830, at the age of 71, leaving 24 children. At the time of his death his eldest child was 53 years old and his youngest was but three months old. Two of his brothers—one in Virginia and one in Illinois—were each the father of twenty-two children; so that these 'three brothers' had an aggregate of sixty-eight children. Such of the descendants of those old heroes as have inherited their great abilities are much more to be envied than those people who have descended from mere noblemen and kings."

APPENDIX.

Kentucky Officers in the Mexican War.

From the Register of the Kentucky State Historical Society is taken the following roster of the Kentuckians who served as officers in the war with Mexico both in the Regular and Volunteer armies. It contains so far as it has been possible to get the information the names of officers who were born in Kentucky and appointed from that state as well as of those born in Kentucky and appointed from other states. It is probably now impossible to get a complete roster of native-born Kentuckians who were officers of volunteers from other States. Perhaps half of those from Missouri were born in Kentucky as that State drew heavily upon this in its early settlement. For the same reason it is fair to assume that Kentuckians were well represented in the commands from Illinois and Texas and perhaps also from Tennessee, Indiana and Mississippi. From this latter state came Colonel Jefferson Davis of the Mississippi Rifles, a native of Kentucky.

Where brevets were conferred on officers of the Regular Army, the fact is indicated on the roster in parentheses after the officer's name. For instance: "Captain John B. Grayson, Commissary of Subsistence, (Major and Lieutenant Colonel, Contreras, Churubusco and Chapultepec)" indicates that Capt. Grayson was brevetted Major for gallant and distinguished conduct in one of those battles and Lieutenant Colonel for similar conduct in the others. Many of the officers on this roster subsequently served in the Federal or Confederate armies. Where this was the case, the fact is indicated, together with the rank the officer held in the later service. Where the fact is known the date of the death of officers is also given.

The Regular Army.

Field and Staff—

Major General Zachary Taylor, Commander of the "Army of Occupation."

Brigadier General Thomas S. Jesup. Died June 10, 1860.

Colonel George Croghan, Inspector General. "The hero of Fort Stephenson" in War of 1812 where Fremont, Ohio, now stands, and where there is a magnificent monument to his memory. Died January 8, 1849.

Captain Abner R. Hetzel, Quartermaster. Died in Louisville, July 20, 1847.

Captain John B. Grayson, Commissary of Subsistence (Major and Lieutenant-Colonel, Contreras, Churubusco, Chapultepec). Confederate Brigadier General. Died October 21, 1861.

Captain John S. Griffin, Assistant Surgeon.

Captain Alfred W. Kennedy, Assistant Surgeon. Died June 3, 1851.

Captain John Sanders, Engineer Corps (Major, Monterey). Died July 29, 1859, at Fort Delaware, Del.

2nd Lieutenant Gustavus W. Smith. (1st Lieutenant and Captain, Cerro Gordo and Contreras.) Confederate Major General.

2nd Lieutenant Thomas J. Wood, Topographical Engineer. (1st Lieutenant, Buena Vista). Union Major General.

First Dragoons.

Captain Benjamin D. Moore, killed December 6, 1846, in action at San Pasqual, California.

Captain Enoch Steen. (Major, Buena Vista). Wounded at Buena Vista. Union Lieutenant-Colonel. Died January 22, 1880.

1st Lieutenant Abraham Buford. (Captain, Buena Vista), Confederate Brigadier General. Died at Danville, Illinois, June 9, 1884.

Second Dragoons.

2nd Lieutenant Newton C. Givens (1st Lieutenant, Buena Vista). Died March 9, 1859, at San Antonio, Texas.

2nd Lieutenant James M. Hawes, (1st Lieutenant, San Juan de los Llanos, Mexico). Confederate Brigadier General. Died November 22, 1889, at Covington, Ky.

Third Dragoons.

Lieutenant-Colonel Thomas P. Moore. Died July 21, 1851.

Captain Corydon S. Abell, Assistant Surgeon.

Captain Edgar B. Gaither. Died September 18, 1855, at Columbia, Ky.

2nd Lieutenant James J. Moore. Died February 19, 1850.

2nd Lieutenant William C. Wagley.

Mounted Rifles.

Captain George Bibb Crittenden, (Major, Contreras and Churubusco). Confederate Major General. Died November 27, 1880, at Danville, Ky.

Captain Henry C. Pope. Killed in a duel, May, 1848.

2nd Lieutenant William B. Lane (Union Major).

First Artillery.

2nd Lieutenant Theodore Talbott Union Captain.

Third Artillery.

Capt. Robert Anderson of Fort Sumter fame (Major, Molina del Rey). Severely wounded at that battle. Union Brigadier General. Died October 26, 1871, Nice, France.

Captain John F. Reynolds (Captain and Major, Monterey and Buena Vista) Union Major General. Killed July 1, 1863, at battle of Gettysburg.

Fourth Artillery.

First Lieutenant Thomas J. Curd. Died February 12, 1850, at Frederick, Maryland.

First Lieutenant Samuel Gill. Died January 18, 1876, at Cincinnati, O.

First Infantry.

Major John B. Clark. Died August 23, 1847.

Captain John M. Scott (Major, Monterey). Died October 26, 1850, at Frankfort, Ky.

2nd Lieutenant William Logan Crittenden. Shot to death August 16, 1851, in Havana, Cuba, by the Spanish military authorities. Was a member of a force of men under Lopez struggling for Cuban freedom.

Second Infantry.

2nd Lieutenant J. Russell Butler. Colonel First Kentucky Cavalry, Confederate Army.

2nd Lieutenant James M. L. Henry. Died July 4, 1881, in Washington, D. C.

Third Infantry.

Captain Edmund B. Alexander (Major and Lieutenant Colonel Cerro Gordo, Contreas and Churubusco), Union Colonel. Died January 3, 1888, at Washington, D. C.

Captain Philip N. Barbour (Major, Palo Alta and Resaca de la Palma). Killed at the battle of Monterey.

2nd Lieutenant John J. Crittenden Bibb. Died September 29, 1854, at Washington, D. C.

2nd Lieutenant John C. McFerran, Union Colonel. Died April 25, 1872, at Louisville, Ky.

2nd Lieutenant James N. Ward, (1st Lieutenant, Cerro Gordo). Died December 6, 1858, at St. Anthony, Minnesota.

Fourth Infantry.

1st Lieutenant Richard H. Graham. Died October 12, 1846, of wounds received at the battle of Monterey.

Sixth Infantry.

Capt. Thomas L. Alexander (Major, Contreras and Churubusco). Died March 11, 1881, at Louisville, Ky.

Capt. John B. S. Todd. Union Brigadier General. Died January 5, 1872, at Yankton, Dakota.

1st Lieutenant Edward Johnson (Captain and Major, Molina del Rey and Chapultepec). Confederate Major General. Died February 22, 1873, at Richmond, Va.

2nd Lieutenant Simon Bolivar Buckner. (1st Lieutenant and Captain, Contreras, Churubusco and Molina del Rey.) Confederate Lieutenant General. Governor of Kentucky.

Seventh Infantry.

1st Lieutenant Nevil Hopson. Died in 1847, in Texas.

2nd Lieutenant Samuel B. Maxey (1st Lieutenant, Contreras and Churubusco). Confederate Major General.

Eighth Infantry.

2nd Lieutenant Edmunds B. Holloway (1st Lieutenant, Contreras and Churubusco). Severely wounded at Churubusco. Confederate Colonel. Died May 16, 1861, at Independence, Mo., of wounds received mistakenly from his own men.

Ninth Infantry.

2nd Lieutenant Robert Hopkins.

Eleventh Infantry.

2nd Lieutenant George Davidson.

Thirteenth Infantry.

Captain Hiram H. Higgins. Confederate Major.

2nd Lieutenant John L. Witherspoon. Died October 22, 1847.

Fourteenth Infantry.

2nd Lieutenant James G. Fitzgerald.

2nd Lieutenant Thomas Hart.

2nd Lieutenant Samuel H. Martin.

Fifteenth Infantry.

1st Lieutenant Edward C. Marshall (Captain Chapultepec).

2nd Lieutenant Henry F. Green.

Sixteenth Infantry.

Colonel John W. Tibbatts. Died July 5, 1852.

Major James M. Talbott. Died June 15, 1848.

Captain Alexander C. Hensley, Assistant Surgeon.

Captain James D. Stuart, Assistant Surgeon.

Captain James W. Brannon.

Captain Edward Curd.

Captain Theophilus T. Garrard. Union Brigadier General.

Captain Edward A. Graves.

Captain Patrick H. Harris.

Captain Charles Wickliffe. Confederate Colonel. Died April 27, 1862, of wounds received at the battle of Shiloh, Tenn.

1st Lieutenant Charles J. Helm.

1st Lieutenant John T. Hughes.

1st Lieutenant George W. Singleton.

2nd Lieutenant Edward C. Berry.

2nd Lieutenant Alexander Evans. Confederate Major.

2nd Lieutenant Bernard H. Garrett.

2nd Lieutenant Thomas T. Hawkins. Confederate Major.

2nd Lieutenant Burwell B. Irvan.

2nd Lieutenant Francis McMordie.

2nd Lieutenant John A. Markley.

2nd Lieutenant James S. Smith.

2nd Lieutenant Thomas M. Winston. Union Major.

Voltigeur Regiment.

Captain James D. Blair.

Captain Alexander P. Churchill.

2nd Lieutenant Charles F. Vernon.

The Volunteer Army.

The Field and Staff.

Major General William O. Butler, Candidate for Vice President with Lewis Cass in 1848. Died in Kentucky August 6, 1880.

Brigadier General Thomas Marshall. Died in Kentucky March 28, 1853.

Captain Theodore O'Hara, Quartermaster in the Regular Army, and special aide-de-camp to Major General Zachary Taylor (Major, Contreras and Churubusco) Confederate Colonel. Author of "The Bivouac of the Dead." Died June 6, 1867.

First Kentucky Cavalry.

Colonel Humphrey Marshall, Confederate Brigadier General and member of Confederate Congress. Died March 28, 1872, in Louisville, Ky.

Lieutenant Colonel Ezekiel Field.

Major John P. Gaines. Died in 1853 in Oregon.

1st Lieutenant Edward M. Vaughan Adjutant. Killed at the battle of Buena Vista.

1st Lieutenant Thomas H. Barnes, Adjutant. Union Major.

Alexander M. Blanton, Assistant Surgeon.

Captain Oliver P. Beard.

Captain Cassius M. Clay, Union Major General. United States Minister to Russia.

Captain W. J. Heady.

Captain J. S. Lillard.

Captain Thomas F. Marshall.

Captain Benjamin C. Milam.

Captain Aaron Pennington.

Captain G. L. Postlethwaite.

Captain Johnson Price.

Captain John W. Shawhan, wounded. at Buena Vista.

Captain James C. Stone.

1st Lieutenant Thomas J. Churchill. Confederate Major General. Governor of Arkansas.

1st Lieutenant Lafayette Dunlap.

1st Lieutenant John Field.

1st Lieutenant Joseph H. D. McKee.

1st Lieutenant John H. Morgan. Confederate Major General.

1st Lieutenant Samuel J. Patterson.

1st Lieutenant Wm. T. Torrance.

1st Lieutenant Jesse Woodruff.

2nd Lieutenant John Allen.

2nd Lieutenant Lowry J. Beard.

2nd Lieutenant Randolph Brassfield.

2nd Lieutenant George Mason Brown.

2nd Lieutenant John Mason Brown. Wounded at Buena Vista. Union Colonel.

2nd Lieutenant Thomas K. Conn. Wounded at Buena Vista.

2nd Lieutenant George R. Davidson.

2nd Lieutenant George W. Keene.

2nd Lieutenant John W. Kimbrough.

2nd Lieutenant John A. Merrifield. Wounded at Buena Vista.

2nd Lieutenant Thomas J. Peak.

2nd Lieutenant George F. Sartain.

2nd Lieutenant Narbonne B. Scott.

2nd Lieutenant Green Clay Smith. Union Brigadier General. Member Congress, Governor of Montana Territory.

2nd Lieutenant George P. Swinford.

First Kentucky Infantry.

Col. Stephen Ormsby. Died April 16, 1869, near Louisville, Ky.

Lieutenant Colonel Jason Rogers. Died May, 1848, in Louisville, Ky.

Major John B. Shepherd.

1st Lieutenant William Fisher, Adjutant.

1st Lieutenant William Riddle, Adjutant.

Thomas L. Caldwell, Surgeon.

John J. Mathews, Assistant Surgeon.

Captain William L. Ball. Died July, 1846, in Matamoras, Mexico.

Captain Charles W. Bullen.

Captain John Fuller.

Captain Charles H. Harper.

Captain Ebenezer B. Howe.

Captain Florian Kern.

Captain William Minor.

Captain Frank Saunders.
Captain Conrad Schroeder.
Captain Benjamin F. Stewart.
Captain Francis F. C. Triplett.
1st Lieutenant John L. Albrecht.
1st Lieutenant Joseph C. Baird.
1st Lieutenant William T. Barbour.
1st Lieutenant John J. Huff.
1st Lieutenant William Littrell.
1st Lieutenant Patrick McPike.
1st Lieutenant George W. Sigler.
1st Lieutenant Ephraim M. Stone.
1st Lieutenant William White.
2nd Lieutenant Lewis Becker.
2nd Lieutenant David Black.
2nd Lieutenant John R. Butler.
2nd Lieutenant William Duerson.
2nd Lieutenant John Harrigan.
2nd Lieutenant Charles W. Hilton.
2nd Lieutenant George D. Hooper.
2nd Lieutenant Benedict Huebel.
2nd Lieutenant Wm. E. Jones.
2nd Lieutenant Reuben F. Maury.
2nd Lieutenant Jacob Pfalzer.
2nd Lieutenant David G. Swinner.
2nd Lieutenant Richard W. N. Taylor.
2nd Lieutenant Levi White.
2nd Lieutenant Lowry B. White.
2nd Lieutenant Samuel Withington.

SECOND KENTUCKY INFANTRY.

Colonel William R. McKee. Killed at the battle of Buena Vista.

Lieutenant-Colonel Henry Clay, Jr. Killed at Buena Vista.

Major Cary H. Fry. Union Lieutenant-Colonel. Died March 5, 1873, at San Francisco, Cal.

1st Lieutenant George N. Cardwell, Adj.
1st Lieutenant Thomas S. Todd, Adjutant.
1st Lieutenant James E. Kelso, Regimental Quartermaster.
Robert P. Hunt, Surgeon.
John U. Lafon, Assistant Surgeon.
James B. Snail, Assistant Surgeon.
Captain Franklin Chambers.
Captain George W. Cutter.
Captain William Dougherty.
Captain Speed S. Fry. Union Brigadier General.
Captain James O. Hervey.
Captain George W. Kavanaugh.
Captain William N. Joyner.
Captain John H. McBrayer.
Captain William H. Maxcy.
Captain James W. Moss.
Captain Philip B. Thompson.
Captain Wilkinson Turpin.
Captain William T. Willis. Killed at Buena Vista.
1st Lieutenant John W. Cowan.
1st Lieutenant Andrew J. Galt.
1st Lieutenant Edward H. Hobson. Union Brigadier General.
1st Lieutenant Wm. R. Keene.
1st Lieutenant Wm. G. Kincaid.
1st Lieutenant Littleton T. Lacy.
1st Lieutenant James Monroe.
1st Lieutenant Joseph W. Powell. Died at Monterey, January 2, 1847.
1st Lieutenant David P. Wade.
2nd Lieutenant Wm. E. Akin.
2nd Lieutenant George W. Ball.
2nd Lieutenant Elias L. Barbee, wounded at Buena Vista.
2nd Lieutenant Richard H. Clarke.
2nd Lieutenant George M. Coleman.
2nd Lieutenant Joseph C. Ewing.
2nd Lieutenant Peter G. Flood.
2nd Lieutenant John H. Lillard.
2nd Lieutenant B. H. Lawler.
2nd Lieutenant Henry C. Long.
2nd Lieutenant Wm. C. Lowry.
2nd Lieutenant Wm. H. Moss.
2nd Lieutenant Thomas W. Napier. Confederate Major.
2nd Lieutenant Thomas J. Proctor.
2nd Lieutenant Lewis M. Reese.
2nd Lieutenant Wm. D. Robertson.
2nd Lieutenant Alva C. Threlkild.
2nd Lieutenant James Wilson.

2nd Lieutenant Wm. T. Withers. Confedtrate General.

Third Kentucky Infantry.

Colonel Manlius V. Thompson.

Lieutenant Colonel Thomas L. Crittenden. Union Major General.

Major John C. Breckinridge. Member of Congress; Vice President United States; Senator in Congress; Confederate Major General; Secretary of War, Confederate States. Died in Lexington in 1875.

1st Lieutenant Benjamin F. Bradley, Adjutant. Member of Confederate Congress from Kentucky.

Wm. Crommell. Assistant Surgeon.

Captain Andrew F. Caldwell.

Captain William P. Chiles.

Captain Leander M. Cox.

Captain George S. Dodge.

Captain James Ewing.

Captain Leonidas Metcalfe. Union Colonel.

Captain James A. Pritchard.

Captain William E. Simms. Member of Confederate Senate from Kentucky.

Captain John R. Smith.

Captain Thomas Todd.

1st Lieutenant Wm. C. Alden.

1st Lieutenant Enos H. Barry.

1st Lieutenant Wm. P. Bramlette.

1st Lieutenant Jesse B. Davis. Died in Mexico City March 19, 1848.

1st Lieutenant Thomas C. Flournoy.

1st Lieutenant Walter I. Lacy.

1st Lieutenant John A. Logan.

1st Lieutenant Henry H. Mize.

1st Lieutenant Wm. P. Morris.

1st Lieutenant Thomas H. Taylor. Confederate Brigadier General.

1st Lieutenant Wm. T. Walker.

2nd Lieutenant Rigdon S. Barnhill.

2nd Lieutenant John Brock. Died in Mexico City March 9, 1848.

2nd Lieutenant Churchill G. Campbell.

2nd Lieutenant James B. Casey.

2nd Lieutenant James C. Dear.

2nd Lieutenant William Edmonson.

2nd Lieutenant William E. Fisher.

2nd Lieutenant John M. Heddleson.

2nd Lieutenant James H. Holladay.

2nd Lieutenant William B. Holladay.

2nd Lieutenant Eli Holtzclaw.

2nd Lieutenant Marshall L. Howe.

2nd Lieutenant James Kendall.

2nd Lieutenant Benjamin D. Lacey.

2nd Lieutenant William C. Merrick.

2nd Lieutenant James H. Miller.

2nd Lieutenant Ansel D. Powell.

2nd Lieutenant Daniel Runyon.

2nd Lieutenant John P. Thatcher.

2nd Lieutenant Elisha B. Treadway, Union Major.

2nd Lieutenant Walter C. Whittaker. Union Brigadier General. Died July 9, 1887.

2nd Lieutenant James T. Young.

Fourth Kentucky Infantry.

Colonel John S. Williams. Confederate Brigadier General. United States Senator.

Lieut.-Colonel William Preston. Confederate Major General. Died at Lexington, Ky., in September, 1887.

Major William T. Ward. Union Brigadier General. Died October 12, 1878.

2nd Lieutenant Charles H. Creel, Adjutant.

2nd Lieutenant Robert P. Trabue, Adjutant. Confederate Colonel.

Joseph G. Roberts, Surgeon.

John R. Steele, Assistant Surgeon.

Captain Anthony W. Bartlett.

Captain Joseph C. Conn.

Captain Joseph S. Corum.

Captain George B. Cook.

Captain Patrick H. Gardner.

Captain Mark R. Hardin.

Captain B. Rowan Hardin.

Captain Timothy Keating.

Captain John G. Lair.

Captain Decius McCreery.

Captain Thomas Mayfield.

Captain Hamilton N. Owens. Union Major.

Captain John C. Squires. Died in Mexico City, March 20, 1848.

1st Lieutenant Edgar D. Barbour.

1st Lieutenant William Bristow.

1st Lieutenant Jesse Davis.

1st Lieutenant John Donan.

1st Lieutenant Jeremiah F. Dorris.

1st Lieutenant Milford Elliott.

1st Lieutenant John W. Hughes.

1st Lieutenant William E. Woodruff. Union Colonel.

2nd Lieutenant Titus P. A. Bibb.

2nd Lieutenant William P. D. Bush.

2nd Lieutenant Noah Z. Chapline.

2nd Lieutenant John D. Cosby.

2nd Lieutenant Samuel D. Cowan.

2nd Lieutenant Benjamin F. Egan.

2nd Lieutenant Cyrenius W. Gilmer.

2nd Lieutenant Wm. G. Johnson.

2nd Lieutenant John M. Massey.

2nd Lieutenant, Charles D. Pennebaker. Union Colonel.

2nd Lieutenant Wm. E. Russell.

2nd Lieutenant Cyrus D. Scott. Died in Mexico City February, 1848.

2nd Lieutenant John M. Snyder.

2nd Lieutenant James M. Shackleford. Union Brigadier General.

2nd Lieutenant Presley Talbott.

2nd Lieutenant Isaac P. Washburne.

2nd Lieutenant Noah N. Watkins.

2nd Lieutenant Levi White.

2nd Lieutenant Charles A. Wickliffe.

2nd Lieutenant Harry J. Woodward.

KENTUCKY INDEPENDENT COMPANY.

Captain John S. Williams. Confederate Brigadier General. United States Senator.

1st Lieutenant Roger W. Hanson. Confederate Brigadier General. Killed at battle of Murfreesboro, Tenn., January 31, 1863.

2nd Lieutenant Wm. A. McConnell.

2nd Lieutenant George S. Sutherland, severely wounded at the battle of Cerro Gordo.

Roger Tandy Quisenberry, a sergeant in this company was in 1856 one of Gen. William Walker's little army of sixty men who invaded and for a time held possession of Nicarauga.

KENTUCKIANS FROM ARKANSAS.

Captain Franklin W. Desha, 1st Arkansas Cavalry.

FROM ILLINOIS.

Col. John J. Hardin, 1st Illinois. Killed at Buena Vista.

1st Lieutenant Wm. H. L. Wallace, Adjutant 1st Illinois. Union Brigadier General. Died April 16, 1862, from wounds received in battle at Shiloh, Tenn.

1st Lieutenant Richard J. Oglesby, 4th Illinois. Union Major General. Three times Governor of Illinois.

2nd Lieutenant Benjamin Howard wounded at Cerro Gordo.

Captain Calmes L. Wright, 2nd Illinois.

FROM INDIANA.

Lieutenant Colonel Henry S. Lane, 1st Indiana.

Captain Lovell H. Rousseau, 2nd Indiana. Union Major General.

FROM MARYLAND.

Captain Lloyd Tilghman, 1st Maryland. Confederate Brigadier General. Killed at the battle of Baker's Creek, Miss., May 16, 1863.

FROM MISSISSIPPI.

Col. Jefferson Davis. Mississippi Rifles. Secretary of War. United States Senator. President Confederate States. Died Dec. 6, 1889 at New Orleans, La.

Lieutenant Colonel Alexander K. McClung, Mississippi Rifles. Wounded at Monterey. Died in 1855.

FROM MISSOURI.

Colonel Alexander W. Doniphan, 1st Missouri Cavalry.

Major Meriwether L. Clark. Missouri Light Artillery Confederate Colonel. Died Oct. 28, 1881, in Frankfort, Ky.

From Texas.

Col. John C. Hayes. 1st Texas Mounted Rifles.

Col. George T. Wood, 2nd Texas Mounted Rifles.

Colonel Albert Sidney Johnston, Texas Rifles. Confederate General. Killed in battle at Shiloh, Tennessee, April 6, 1862.

On July 20, 1847, the remains of McKee, Clay, Barsaker and many other Kentuckians, officers and enlisted men, who had fallen at Buena Vista were brought back to Kentucky and reinterred in the State Cemetery at Frankfort in the presence of many thousands of people.

Theodore O'Hara, a Kentuckian, who served in the Mexican War as a Captain in the Regular Army, wrote for that solemn occasion, his deathless poem "The Bivouac of the Dead." Though one would scarcely look in a history to find a poem, yet it is appropriate that these stirring lines should appear here. O Hara was a Kentuckian, the poem was written in honor of Kentucky's soldier dead. It is a cold heart indeed, that can read this immortal poem and not feel the thrill of patriotism.

The Bivouac of the Dead.

The muffled drum's sad roll has beat
The soldier's last tattoo;
No more on life's parade shall meet
That brave and fallen few.
On Fame's eternal camping ground
Their silent tents are spread
And Glory guards with solemn round
The bivouac of the dead.

No rumor of the foe's advance
Now swells upon the wind,
No troubled thought at midnight haunts
Of loved ones left behind.
No vision of the morrow's strife
The warrior's dream alarms;
No braying horn nor screaming fife
At dawn shall call to arms.



Federal Hill, Bardstown, Where "Old Kentucky Home" was Written

Their shivered swords are red with rust,
Their plumed heads are bowed;
Their haughty banner trailed in dust
Is now their martial shroud,
And plenteous funeral tears have washed
The red stains from each brow,
And the proud forms by battle gashed
Are free from anguish now.

The neighing troop, the flashing blade,
The trumpet's stirring blast,
The charge, the dreadful cannonade
The din and shout are past;
Nor war's wild note nor glory's peal
Shall thrill with fierce delight
Those breasts that never more may feel
The rapture of the fight.

Like the fierce northern hurricane
That sweeps his great plateau,
Flushed with the triumphs yet to gain,
Came down the serried foe;
Who heard the thunder of the fray
Break o'er the field beneath
Knew well the watchword of that day
Was "Victory or Death."

Long has the doubtful conflict raged
O'er that stricken plain,
For never fiercer fight had waged
The vengeful blood of Spain;
And still the storm of battle blew,
Still swelled the vengeful tide;
Not long, our stout old chieftain knew,
Such odds his strength could bide.

'Twas in that hour his stern command
Called to a martyr's grave
The flower of his native land
The Nation's flag to save.
By rivers of their fathers' gore
His first-born laurels grew,
And well he deemed the sons would pour
Their lives for glory too.

Full many a norther's breath has swept
O'er Angosturo's plain—
And long the pitying sky has wept
Above the mouldering slain.
The raven's scream or eagle's flight
Or shepherd's pensive lay,
Alone awakes each sullen height
That frowned o'er that dread fray.

Sons of the Dark and Bloody Ground,
Ye must not slumber there,
Where stranger steps and tongues resound
Along the heedless air;
Your own proud State's heroic soil
Shall be your fitter grave;
She claims from War his richest spoil
The ashes of her brave.

Thus 'neath their parent turf they rest,
Far from the gory field,
Borne to a Spartan mother's breast
On many a bloody shield;
The sunshine of their native sky
Smiles sadly on them here,
And kindred eyes and hearts watch by
The heroes' sepulcher.

Rest on, embalmed and sainted dead!
Dear as the blood ye gave,
No impious footstep here shall tread
The herbage of your grave;
Nor shall your glory be forgot
While Fame her record keeps,
Or Honor points the hallowed spot
Where Valor proudly sleeps.

Yon marble minstrel's voiceless stone
In deathless song shall tell
When many a vanished year has flown
The story how ye fell;
Nor wreck nor change nor winter's blight,
Nor Time's remorseless doom,
Can dim one ray of holy light
That gilds your glorious tomb.

Over the gateway to every Federal cemetery in the land are engraven these lines from the "Bivouac of the Dead:"

"On Fame's eternal camping ground
Their silent tents are spread;
And Glory guards with solemn round
The Bivouac of the Dead."

Few of those who pass through these gateways realize that they are from the pen of a Colonel in the Confederate army. It is gratifying to all who recognize that the bitterness of the great strife is ended, to find that the most appropriate words ever written for a soldier's grave have been adopted as a fitting memorial by the friends of the Federal dead, regardless of the fact that they were written by one who met them on the field of battle.

Kentuckians in the Battle of Lake Erie.

In the chapter relating to the victory of Commodore Perry over the British naval forces on Lake Erie on September 10, 1813, mention is made of the fact that a number of Kentucky volunteers served on certain of the American ships and aided in the victory there achieved. MacKenzie's "Life of Oliver Hazzard Perry, in referring to this event, says:

"On the 31st of August, 1813, while lying in Put-in-Bay, Perry received from General Harrison a reinforcement of nearly one hundred men which, after deducting a few deaths and others left on shore as useless at Erie, Pennsylvania, carried the total of his muster roll to four hundred and ninety souls. Some of the men who had been selected from General MacArthur's brigade were lake or river boatmen, and were received as seamen. The majority, however, were intended to perform duty as marines in the squadron, in consequence of the disappointment in receiving the expected guard from Ontario. The men detailed for this service were chiefly taken from the Kentucky militia and from the 28th Regiment of Infantry (regulars), which had recently joined the army from Kentucky, where it had been entirely raised. The whole party, officers and men included, were volunteers, led by a spirit of adventure to embark in an enterprise so different from the previous habits of their life. Few of them had ever seen a vessel before they were marched to the mouth of the Sandusky, and their astonishment and curiosity when they got on board was irrepressible. They climbed to the masthead; dove to the bottom of the hold; passed without stopping or understanding any distinction, from the sick-bay to the captain's cabin, expressing their admiration as they went in awkward but rapturous terms. These Kentuckians were dressed in their favorite linsey-woolsey hunting shirts and drawers, and were themselves equally an object of curiosity to the officers and seamen, few of whom had ever seen any of these hardy borderers. Perry, for a time, was amused with the rest; but began ere long to fear that his extraordinary marines would lend but little assistance in their appropriate office of sustaining the discipline and etiquette of the squadron. Soon after their arrival he briefly stated to the non-commissioned officer in command of that portion of the detachment which had been detailed for his own vessel the nature of the duties that would be required of them, and the line of conduct they would be required to preserve. The officer then mustered his men on deck and informed them that they had been kindly indulged by Commodore Perry with an opportunity of gratifying their curiosity by seeing the ship, in doing which they had been permitted to violate the rules and discipline of the sea service without rebuke. They must now come to order, and submit themselves to the usual discipline of marines, confine themselves to their proper places, and attend to their appropriate duties, which were forthwith explained to them. The stout Kentuckians took the admonition in good part; they carefully conformed to all that was re-

quired of them, were of essential use in manning the squadron and replacing the marines and seamen which Commodore Chauncey had withheld; and their association with Perry was, to such of them as survived to tell the tale of their adventures, a special and enduring source of gratification."

From the Register of the Kentucky State Historical Society for September, 1911, the following extracts are taken from an article contributed by Mr. A. C. Quisenberry of Washington: "Until quite recently no list of the names of those gallant Kentuckians was known to be in existence. In 1859, while the matter of erecting a monument to Commodore Perry in Cleveland, Ohio, was being agitated throughout the country, there was a great revival of interest in the glorious naval victory of Lake Erie, and it was then (or soon afterwards) discovered that six of the Kentuckians, who had fought as sharpshooters in the rigging of Perry's ships, were still alive. Their names were:

"James Artus, of Mason county; Dr. William Thornton Taliaferro, of Cincinnati, but late of Kentucky; John Tucker, of Mason county; John Norris, of Boone county; Samuel Hatfield, of Floyd county, and Ezra Younglove, county not stated.

"On February 11, 1860, the Kentucky Legislature passed the following resolution:

"Resolved by the General Assembly of the Commonwealth of Kentucky:

" 'That the Governor of this Commonwealth be, and he is hereby, authorized and directed to procure suitable gold medals, with appropriate inscriptions and devices, and in the name of the State of Kentucky to present to each of the surviving officers and soldiers of the Kentucky volunteers who were present and participated in the memorable engagement between the American and British naval forces on Lake Erie on the 10th of September, 1813, as a token of the grateful recollection in which the people of the State hold their brave and patriotic services on that day, and the imperishable renown which that brilliant victory achieved for their common country.'

"In the course of time every one of the above-named survivors received his gold medal —the medals costing $110.00 each."

* * *

"The writer of this article, believing that the Navy Department at Washington would have among its archives a roll of the Kentuckians who fought on Perry's ships, on July 31, 1911, addressed a letter to that Department on the subject, and after an interval of two weeks received from the Superintendent of Library and Naval Records, of the Navy Department, the subjoined list of about one hundred names. Soon after the Battle of Lake Erie each of the men on the list received $214.89 as his part of the prize money awarded by the Government for the capture of the British fleet."

The names of these gallant Kentucky volunteers are here given as published in the *Register:*

Capt. George Stockton, 28th Infantry.
Lieut. James Coburn, Volunteers.
Serg. Sanford A. Mason.
Serg. Levi Ellis.
Serg. James Artus.
Corp. John Brown.
Corp. Andrew B. Scott.
Corp. Joseph Berry.
Corp. William Webster.
Corp. David Little.
Corp. William T. Taliaferro.
Thomas Anderson.
James Bailey.
John Bates.
Joseph Beckley.
Josiah Biggs.
Micajah Bland.
David L. Blaney.
William Bonner.
Gilbert Bowman.
John Bromwell.

David Bryant.
Griffin Burnet.
Francis Burns.
Thomas Cavill.
John R. Chetwood.
John Clifford.
London Cochran.
Samuel Cochran.
Charles Colrick.
Henry Cook.
Eben Cunningham.
Joseph Davidson.
John Decker.
Joseph Delaney.
John Denton.
Isaac Devault.
George W. Drake.
John B. Duncanson.
William Ellis.
David Flagg.
Sim Flaherty.
Rush Garrett.
John H. George.
Lewis Gordon.
Isaac Green. (Badly wounded on the "Ariel.")
Samuel Hatfield.
John Hall.
Jesse Harlan. (Killed on the "Lawrence.")
Charles Harrington.
Har. C. Harrington.
Charles Harten.
William Henry.
David Hickman.
William Hocker.
William Hockersmith.
———— Holliday.
Parker Jarvis.
Abraham Johnson.
Philip Johnson.
John C. Kelly. (Killed on the "Lawrence.")
Ezra Killey.
Conrad King.
John Ludd.
Thomas Luft (or Tufft).
Thomas Lyman.
John McCarty.
Alexander McCord.
John McCoy.
Moses McGarney.
John McHowell.
Samuel McKenney.
George McManomy.
Daniel Maltzbocker.
John Marless.
John Martin.
John Nailes. (Slightly wounded on the "Ariel.")
William Nelson.
John Norris.
John Osburn.
Isaac Perkins.
William B. Perkins.
Joseph Pomeroy.
William Reed.
John Reems.
Henry Roberts.
John Rodgers.
Samuel Roof.
William Smith.
Charles Smothers.
Marlen Swift.
Henry Tate.
John Thompson.
Samuel Thramin.
Aaron Trapnall.
John Tucker.
Thomas Tufft.
Frederick Vantruce.
Lewis Vanway.
Henry Webster.
Edward Welsh.
Freeman West.
Abner Williams. (Killed on the "Lawrence.")
Alexander Wright.
Ezra Younglove."

Census Returns of 1910.

Mr. E. Dana Durand, Director of the Census, at the instance of Senator William O. Bradley, furnished for this history advanced returns of the population of Kentucky as ascertained for the Thirteenth Census of the United States. From these returns it is found that in 1810, the population of the State was 2,289,905, as compared with 2,147,174 in 1900, and 1,858,635 in 1890.

The increase from 1900 to 1910 was 142,731, or 6.6 per cent, as compared with an increase for the decade from 1890 to 1900, of 288,539 or 15.5 per cent. Law breakers and tax law makers may ponder the above statistics to an advantage.

The distribution of the population of the State by counties is as follows:

	Population		
	1910	1900	1890
The State	2,289,905	2,147,174	1,858,635
Counties			
Adair	16,503	14,888	13,721
Allen	14,882	14,657	13,692
Anderson	10,146	10,051	10,010
Ballard	12,690	10,761	8,390
Barren	25,293	23,197	21,490
Bath	13,988	14,734	12,813
Bell	28,447	15,701	10,312
Boone	9,420	11,170	12,246
Bourbon	17,462	18,069	16,976
Boyd	23,444	18,834	14,033
Boyle	14,668	13,817	12,948
Bracken	10,308	12,137	12,369
Breathitt	17,540	14,322	8,705
Breckinridge	21,034	20,534	18,976
Bullitt	9,487	9,602	8,291
Butler	15,805	15,896	13,956
Caldwell	14,063	14,510	13,186
Calloway	19,867	17,633	14,675
Campbell	59,369	54,223	44,208
Carlisle	9,048	10,195	7,612
[illegible]	8,110	9,825	9,266
[illegible]	[illegible]	[illegible]	[illegible]
Casey	15,479	15,144	11,848
Christian	38,845	37,962	34,118
Clark	17,987	16,694	15,434
Clay	17,789	15,364	12,447
Clinton	8,153	7,871	7,047
Crittenden	13,296	15,191	13,119
Cumberland	9,846	8,962	8,452
Daviess	41,020	38,667	33,120
Edmonson	10,469	10,080	8,005
Elliott	9,814	10,387	9,214
Estill	12,273	11,669	10,836
Fayette	47,715	42,071	35,698
Fleming	16,066	17,074	16,078
Floyd	18,623	15,552	11,256
Franklin	21,135	20,852	21,267
Fulton	14,114	11,546	10,005
Gallatin	4,697	5,163	4,611
Garrard	11,894	12,042	11,138
Grant	10,581	13,239	12,671
Graves	33,539	33,204	28,534
Grayson	19,958	19,878	18,688
Green	11,871	12,255	11,463
Greenup	18,475	15,432	11,911
Hancock	8,512	8,914	9,214
Hardin	22,606	22,937	21,304
Harlan	10,566	9,838	6,197
Harrison	16,837	18,570	16,914
Hart	18,173	18,390	16,439
Henderson	29,352	32,907	29,536
Henry	13,716	14,620	14,164
Hickman	11,750	11,745	11,637
Hopkins	34,291	30,995	23,505
Jackson	10,734	10,561	8,261
Jefferson	262,920	232,549	188,598
Jessamine	12,613	11,925	11,24
Johnson	17,482	13,730	11,027
Kenton	70,355	63,591	54,161
Knott	10,791	8,704	5,438
Knox	22,116	17,372	13,762
Larue	10,701	10,764	[illegible]
Laurel	19,872	17,592	1
Lawrence	20,067	19,612	1
Lee	9,531	7,988	
Leslie	8,976	6,753	
Letcher	10,623	9,172	

Lewis	16,887	17,868	14,803	Owsley	7,979	6,874	
Lincoln	17,897	17,059	15,962	Pendleton	11,985	14,927	
Livingston	10,627	11,354	9,474	Perry	11,255	8,276	[illegible]
Logan	24,977	25,994	23,812	Pike	31,679	22,686	17,37
Lyon	9,423	9,319	7,628	Powell	6,268	6,443	4,69
McCracken	35,064	28,733	21,051	Pulaski	35,986	31,293	25,73
McLean	13,241	12,448	9,887	Robertson	4,121	4,900	4,68
Madison	26,951	25,607	24,348	Rockcastle	14,473	12,416	9,841
Magoffin	13,654	12,006	9,196	Rowan	9,438	8,277	6,12
Marion	16,330	16,290	15,648	Russell	10,861	9,695	8,136
Marshall	15,771	13,692	11,287	Scott	16,956	18,076	16,546
Martin	7,291	5,780	4,209	Shelby	18,041	18,340	16,521
Mason	18,611	20,446	20,773	Simpson	11,460	11,624	10,878
Meade	9,783	10,533	9,484	Spencer	7,567	7,406	6,760
Menifee	6,153	6,818	4,666	Taylor	11,961	11,075	9,3
Mercer	14,063	14,426	15,034	Todd	16,488	17,371	16,814
Metcalfe	10,453	9,988	9,871	Trigg	14,539	14,073	13,902
Monroe	13,663	13,053	10,989	Trimble	6,512	7,272	7,140
Montgomery	12,868	12,834	12,367	Union	19,886	21,326	18,229
Morgan	16,259	12,792	11,249	Warren	30,579	29,970	30,158
Muhlenberg	28,598	20,741	17,955	Washington	13,940	14,182	13,622
Nelson	16,830	16,587	16,417	Wayne	17,518	14,892	12,852
Nicholas	10,601	11,952	10,764	Webster	20,974	20,097	17,196
Ohio	27,642	27,287	22,946	Whitley	31,982	25,015	17,590
Oldham	7,248	7,078	6,754	Wolfe	9,864	8,764	7,180
Owen	14,248	17,553	17,676	Woodford	12,571	13,134	12,380

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